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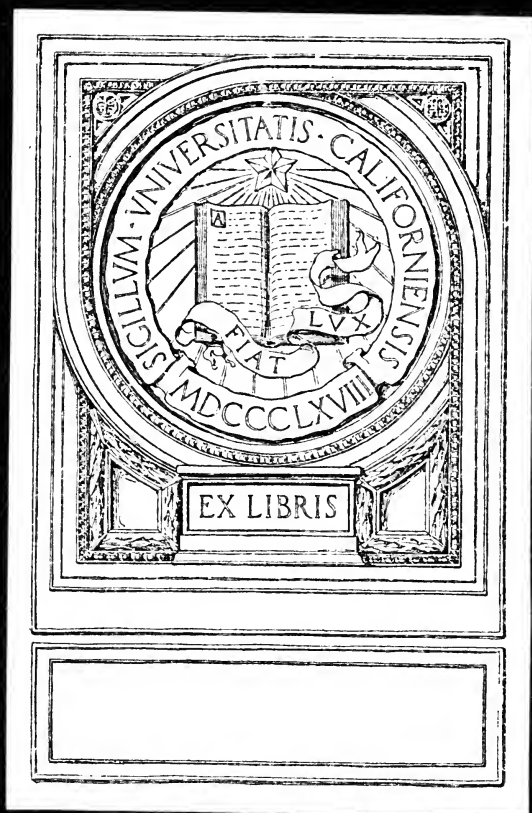
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THE  
LAW REPORTS

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CONSOLIDATED WORKMEN'S COMPENSATION  
RULES, JULY, 1913.

(PRESENTATION COPY.)



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## THE CONSOLIDATED WORKMEN'S COMPENSATION RULES, JULY, 1913.

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### EXPLANATORY MEMORANDUM.

These Rules consolidate the Workmen's Compensation Rules, 1906, and the subsequent Rules amending them, with such verbal alterations only as are inevitable in consolidation.

The work has been undertaken at the suggestion of the Home Office.

The following are the only points which seem to require notice:—

*Rule 19*, and *Forms 15 to 17*, have been rearranged and revised so as to provide for the case of submission to an award and payment into Court with a denial of liability.

*Rule 25*, paragraph 1, embodies the alteration made by *Rule 1* of the Rules of 1913.

*Rule 39*, paragraph 5, is altered so as to make it correspond with *Order XXXIX*, *Rule 15*, as to the service of a summons in an Admiralty action *in rem.*, as altered in 1911.

*Rule 44*, paragraph 3, embodies the alteration made by *Rule 2* of the Rules of 1913.

*Rule 51*, paragraph 1, embodies the alteration made by *Rule 6* of the Rules of 1913.

*Rule 59* reproduces *Rule 8* of the Rules of 1913.

*Rule 60*, paragraph 11, reproduces *Rule 9* of the Rules of 1913.

*Rule 82* reproduces *Rule 10* of the Rules of 1913.

*Rule 55*, paragraph 4, *Rule 57*, paragraph 3, *Rule 75*, paragraph 7, and *Rule 98*, paragraph 1, have been revised, on the suggestion of the Home Office, so as to place the rules as to summoning medical referees as assessors, and references to medical referees, together, and to make them correspond with the Home Office Regulations.

May, 1913.

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STATUTORY RULES AND ORDERS, 1913.

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MASTER AND SERVANT.

Workmen's Compensation Act, 1906.

THE CONSOLIDATED WORKMEN'S COMPENSATION RULES, JULY,  
1913. DATED MAY 6, 1913.

*Preliminary.*

1. (1.) The following Rules shall have effect under the Workmen's Compensation Act, 1906 (in these Rules referred to as the Act), with reference to any matter or proceeding for the regulation of which Rules of Court may be made under the Act, and generally for carrying the Act into effect so far as it affects the County Court or an arbitrator appointed by the judge of the County Court, and proceedings in the County Court or before any such arbitrator.

Effect, short title, commencement, and construction of Rules. 6 Edw. 7. c. 58.

(2.) These Rules may be cited as the Consolidated Workmen's Compensation Rules, July, 1913, and shall come into operation on the first day of July, one thousand nine hundred and thirteen. They shall apply to all proceedings taken in cases pending on that day where the accident happened after the thirtieth day of June, one thousand nine hundred and seven; but they shall not, except so far as they relate to references to medical referees and proceedings consequential thereon, apply to any case where the accident happened before the first day of July, one thousand nine hundred and seven; and the Workmen's Compensation Rules, 1898, the Workmen's Compensation Rules, 1899, and the Workmen's Compensation Rules, 1900, shall continue to apply to any such case, except to the extent to which these Rules apply thereto.

(3.) The Workmen's Compensation Rules, 1907, and all Workmen's Compensation Rules of subsequent date, are hereby annulled.

(4.) Expressions used in these Rules shall have the same meaning as the same expressions used in the Act.

(5.) The Interpretation Act, 1889, shall apply for the purpose of the interpretation of these Rules as it applies for the purpose of the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

(6.) These Rules shall also be read and construed with the County Court Rules, 1903, and the County Court Rules of subsequent date amending the same; and any Order and Rule referred

to by number in these Rules shall mean the Order and Rule so numbered in the County Court Rules, 1903, or in any County Court Rules of subsequent date, as the case may be.

*Parties to Arbitration before Judge or Arbitrator appointed by Judge.*

Parties to arbitration.

2. (1.) Where application is made for the settlement by the judge, or by an arbitrator appointed by the judge, of any matter which under the Act is to be settled by arbitration, the party making such application shall be called "the applicant"; and, subject to these Rules, all other persons whose presence at the arbitration may be necessary to enable the judge or arbitrator effectively and completely to adjudicate upon and settle all the questions involved shall be made parties to the application, and shall be called "the respondents."

Order III., Rule 2.

(2.) In any case in which both the principal as defined by the Act and a contractor with him are alleged to be liable to pay compensation under the Act, Order III., Rule 2, as to joinder of parties, shall apply.

Joinder of applicants.  
Order III., Rule 1.  
Order XLIV., Rules 18, 19.

3. More persons than one may be joined as applicants in one arbitration, in any case in which such persons might be joined in one action as plaintiffs under Order III., Rule 1; and that rule, and Rules 18 and 19 of Order XLIV., shall, with the necessary modifications, apply to any such arbitration.

Application by dependants.

4. (1.) An application on behalf of the dependants of a deceased workman for the settlement by arbitration of the amount payable as compensation to such dependants may be made by the legal personal representative, if any, of the deceased workman on behalf of such dependants, or by the dependants themselves; and in either case the particulars to be filed as hereinafter mentioned shall contain particulars as to the dependants on whose behalf the application is made.

(2.) Provided, that if there is any conflict of interest between the dependants themselves, or if any dependants neglect or refuse to join in an application, the application may be made by or on behalf of some only of such dependants, the other dependants in either case being named as respondents.

(3.) In the construction of this rule the term "dependants" shall include persons who claim or may be entitled to claim to be dependants, but as to whose claim to rank as dependants any question arises.

Application by dependants under Act, Sched. 1, par. 8, where amount of compensation agreed or ascertained.

5. (1.) In any case in which the amount payable as compensation to the dependants of a deceased workman has been agreed upon or ascertained, but any question arises as to who are dependants, or as to the amount payable to each dependant, an application for the settlement of such question by arbitration may be made either by the legal personal representative, if any, of the deceased workman on behalf of the dependants or any of them, or by such dependants or any of them, against the other dependants, and the persons claiming or who may be entitled to claim to be dependants, but as to whose claim to rank as such a

question arises; or such application may be made by the persons claiming to be dependants, but as to whose claim to rank as such a question arises, or any of them, against the legal personal representative, if any, of the deceased workman, and the dependants, and such of the persons claiming or who may be entitled to claim to be dependants as are not applicants.

(2.) In any such case, if the employer has paid the agreed or ascertained amount of compensation, it shall not be necessary to make him a respondent, but if such compensation or any part thereof is still in his hands he shall be made a respondent.

(3.) The employer, if made a respondent, may pay the amount of compensation in his hands into court, to be dealt with as the judge or arbitrator shall direct, and thereupon further proceedings against him shall be stayed.

(4.) The registrar shall within twenty-four hours from the time of payment made pursuant to the last preceding paragraph send notice thereof to the applicant and to the other respondents (if any), and the employer shall not be liable to any costs otherwise than in accordance with paragraph 6 (c) of Rule 19.

6. (1.) An application for the settlement by arbitration of the sum payable in respect of medical attendance on and the burial of a deceased workman who leaves no dependants shall be made by the legal personal representative, if any, of the deceased workman. If there is no such legal personal representative, the application may be made by any person to whom any such expenses are due. In the latter case any other person known to the applicant as a person to whom any such expenses are due shall be joined in the application either as applicant or respondent.

Parties to arbitration as to sum payable for medical attendance and burial. Act, Sched. 1, par. 1 (a) (iii).

(2.) In any case in which application is made for the settlement by arbitration of such amount, the amount awarded, if insufficient for the payment of such expenses in full, shall be apportioned between the persons to whom such expenses are due in such manner as the judge or arbitrator shall direct.

Apportionment of such sum.

7. (1.) The provisions of Rules 7 and 8 of Order III., as to parties suing or defending on behalf of other persons having the same interest, and the provisions of the County Court Rules as to persons under disability and partners suing and being sued, shall, with the necessary modifications, apply to proceedings by way of arbitration under the Act.

Parties under disability and partners; representation of parties having the same interest.

(2.) Provided that the judge may at any time direct that an infant shall appear either as applicant or respondent in the same manner as if he were of full age.

Judge may direct infant to appear as if he were of full age.

#### *Application for Arbitration.*

8. (1.) An application for the settlement of any matter by arbitration shall not be made unless and until some question has arisen between the parties, and such question has not been settled by agreement.

Request for arbitration.

(2.) Where any question has arisen and has not been settled by agreement, an application for the settlement of the matter by arbitration shall be made by the applicant filing with the registrar a request for arbitration, intituled in the matter of the Act

and in the matter of the arbitration, which request shall state concisely the question which has arisen, and shall, with the subsequent proceedings thereon, be recorded in the special register hereinafter mentioned.

Particulars.

(3.) Particulars shall be appended or annexed to the request, containing—

- (a) A concise statement of the circumstances under which the application is made, and the relief or order which the applicant claims;
- (b) The date of service of notice of the accident on the employer, or, if such notice has not been served, the reason for such omission; and
- (c) The full names and addresses of the respondents and of the applicant, and of his solicitor, if the proceedings are commenced through a solicitor.

Forms of request and particulars. Forms 1 to 11.

9. (1.) The request and particulars shall be according to such one of the forms in the Appendix as shall be applicable to the case, with such modifications as the nature of the case may require.

(2.) A copy of the notice of the accident shall be appended or annexed to the particulars. If this rule cannot be complied with, the reason for the omission shall be stated in the particulars.

Application by employer.

10. (1.) Where an employer on whom a claim for compensation has been made desires to make an application for the settlement of any matter by arbitration, he shall file a request for arbitration in accordance with Rule 8, to which the workman, or the legal personal representative, if any, and the persons claiming or who may be entitled to claim to be dependants of a deceased workman, or the other persons (as the case may be) on whose behalf the claim was made, shall be respondents.

(2.) Particulars shall be appended or annexed to the request, containing—

- (a) a concise statement of the circumstances under which the application is made;
- (b) a statement whether the applicant admits his liability to pay compensation, or denies such liability, wholly or partially, with (in the latter case) a statement of the grounds on and extent to which he denies liability;
- (c) a statement of the matters which the applicant desires to have settled by arbitration; and
- (d) the full names and addresses of the respondents and of the applicant, and of his solicitor, if the proceedings are commenced through a solicitor.

Copies for judge and respondents.

11. The applicant shall deliver to the registrar with the request and particulars a copy thereof for the judge or arbitrator, and a copy for each respondent to be served.

Where applicant is illiterate.

12. Where the applicant is illiterate and unable to furnish the required information in writing, the request and particulars and copies shall be filled up by the registrar's clerk.

County Court Rules as to security for costs not to apply.

13. Order V., Rules 10 and 11, and Order XII., Rule 9, of the County Court Rules, as to security for costs, shall not apply to proceedings under the Act and these Rules.



*Proceedings on Arbitration before Judge.*

*Fixing Day and Place for Arbitration.*

14. (1.) On the filing of a request for arbitration, the registrar shall transmit a copy of the request and particulars to the judge, who shall as soon as conveniently may be (if he decides to settle the matter himself) appoint a day and hour for proceeding with the arbitration. Such day shall, subject to the provisions of Rule 28, be so fixed as to allow the copies of the request and particulars to be served on the respondents at least twenty clear days before the day so fixed.

Fixing day and place for arbitration.

(2.) The arbitration shall, subject as hereinafter mentioned, be held at the place at which the court is held.

(3.) Provided, that the judge may direct that the arbitration shall be held at any other place within the district of the court, on application in that behalf made by any party to the arbitration, and on such party filing an undertaking to provide at his own expense a place to the satisfaction of the judge in which the arbitration may be held, and to pay the necessary expenses of the judge and officers of the court attending at such place.

(4.) If such direction is given before the notices mentioned in the next following rule are issued, the registrar shall insert in such notices the place at which the arbitration has been so directed to be held.

(5.) If such direction is given after such notices have been issued, the registrar shall forthwith send notice by post to the parties of the place at which the arbitration has been so directed to be held.

*Notice of Day Fixed.*

15. (1.) On the day for proceeding with an arbitration being fixed, the registrar shall give or send by post notice in writing to the applicant, stating the place at which and the day and hour on and at which the arbitration will be proceeded with, and shall issue the copies of the request and particulars, under the seal of the court, for service on the respondents, together with notices under the seal of the court, stating the place at which and the day and hour on and at which the arbitration will be proceeded with, and that if the respondents do not attend in person or by their solicitors such order will be made and proceedings taken as the judge may think just and expedient.

Notice to parties.

Forms 12, 13.

(2.) Where the request is filed by an employer, the notices to be served on the respondents shall be modified by the omission of the words therein relating to the denial or admission of liability to pay compensation.

Notice where employer is applicant  
Form 13.

*Service on Respondents.*

16. (1.) The copies and notices mentioned in the last preceding rule shall, subject to the provisions of Rule 28, be served on the respondents at least twenty clear days before the day fixed for proceeding with the arbitration.

Service on respondents.

(2.) The copies and notices mentioned in the last preceding rule may be served—

- (a) By a bailiff of a court;
- or, at the request of the applicant or his solicitor,
- (b) By the applicant, or some clerk or servant in his permanent and exclusive employ; or
- (c) By the applicant's solicitor, or a solicitor acting as agent for such solicitor, or some person in the employ of either of them, or some person employed by either of them to serve such copies and notices, who might be so employed to serve a writ in an action in the High Court.

Act, sect. 2,  
sub-sects.  
3, 4.

Where  
service  
effected  
otherwise  
than by  
bailiff.

(3.) Service may be effected either in accordance with the rules as to service of default summonses, or by registered post in accordance with the provisions of sub-sections 3 and 4 of section 2 of the Act with reference to service of notice in respect of an injury, and the provisions of those sub-sections shall apply to such service.

(4.) Where service is effected otherwise than by a bailiff, a copy of the document served, with the date and mode of service indorsed thereon, shall within three clear days next after the date of service, or such further time as may be allowed by the registrar of the court issuing such document, be delivered or transmitted to such registrar by the applicant. The applicant shall also (unless the respondent files an answer) after the time limited for filing an answer, deliver or transmit to the registrar an affidavit of the service of such document, according to Form 37 in the Appendix to the County Court Rules, with such variations as the circumstances of the case may require.

Service by  
post.

(5.) Where a document is served by post it shall, unless the contrary be proved, be deemed to have been served at the time when the letter containing the same would have been delivered in the ordinary course of post, and in proving the service of such document it shall be sufficient to prove that the same was properly addressed and registered.

Service on  
respondent  
in Scotland  
or Ireland.

(6.) Where the accident occurred in England, and any respondent resides in Scotland or Ireland, service on such respondent may be effected in accordance with this rule, and service so effected shall be deemed to be sufficient.

### *Stay of Proceedings.*

Stay of pro-  
ceedings in  
other arbitra-  
tions to abide  
decision as to  
liability in  
selected  
arbitration.  
Order VIII.,  
Rules 2-6.

17. Where several requests for arbitration are filed by different applicants against the same respondent in the same court in respect of matters arising out of the same circumstances, the respondent may, on filing an undertaking to be bound, so far as his liability to pay compensation is concerned, by the award in such one of the said arbitrations as may be selected by the judge, apply to the judge under Order VIII., Rule 2, for an order to stay proceedings in the arbitrations other than the one so selected until an award is made in such selected arbitration; and Rules 2 to 6 of Order VIII. shall, with the necessary modifications, apply accordingly.

*Answer by Respondent.*

18. (1.) If any respondent desires to disclaim any interest in the subject matter of an arbitration, or considers that the applicant's particulars are in any respect inaccurate or incomplete, or desires to bring any fact or document to the notice of the judge, or intends to rely on the fact that notice of the accident, or of death, disablement, or suspension, was not given as required by the Act, or that the claim for compensation was not made within the time limited by the Act, or intends to deny (wholly or partially) his liability to pay compensation under the Act, he shall, ten clear days at least before the day fixed for proceeding with the arbitration, or if the time is abridged pursuant to Rule 28, then within the time fixed by the order, file with the registrar an answer, stating his name and address, and the name and address of his solicitor (if any), and stating that he disclaims any interest in the subject matter of the arbitration, or stating in what respect the applicant's particulars are inaccurate or incomplete, or stating concisely any fact or document which he desires to bring to the notice of the judge, or on which he intends to rely, or the grounds on and extent to which he denies liability.

Answer by  
respondent.

Form 14.

(2.) The respondent shall with such answer file copies thereof for the applicant and the judge, and one copy for each of the other respondents; and the registrar shall within twenty-four hours after receiving such copies transmit the same by post to the applicant and the judge and the other respondents respectively.

(3.) Subject to any answer so filed, and to the provisions of the next following paragraph, the applicant's particulars, and, in the case of a claim for compensation, the liability to pay compensation under the Act, shall be taken to be admitted.

(4.) Provided, that in case of non-compliance with this rule, and of the applicant's not consenting at the arbitration to permit a respondent to avail himself of any matter of which he should pursuant to this rule have given notice by filing an answer, the judge may, on such terms as he shall think fit, either proceed with the arbitration and allow the respondent to avail himself of such matter, or adjourn the arbitration to enable the respondent to file such answer.

(5.) The provisions of this rule shall, with the necessary modifications, apply to a case in which a request for arbitration is filed by an employer; but a respondent who fails to file an answer shall not be taken to admit the truth of any statement in the applicant's particulars in which he denies, wholly or partially, his liability to pay compensation.

Answer  
where  
employer is  
applicant.

*Submission to Award or Payment into Court  
by Respondent.*

19. (1.) A respondent who admits liability may at any time before the day fixed for proceeding with the arbitration,

Submission  
to award or  
payment into  
court with  
admission  
of liability.  
Form 15.

- (a) Where the application is made by an injured workman,  
(i) file with the registrar a notice that he submits to an award for the payment of a weekly sum, to be specified in such notice; or

(ii) file with the registrar a notice that he submits to an award for the payment of a lump sum, to be specified in the notice, which he considers to be sufficient to cover his liability in the circumstances of the case, and pay such sum into court; or

(b) Where the application is made on behalf of the dependants of a deceased workman, or for the settlement of the sum payable in respect of medical attendance on and the burial of a deceased workman who leaves no dependants, file with the registrar a notice that he admits liability, and pay into court such sum of money as he considers sufficient to cover his liability in the circumstances of the case.

In any such case the respondent shall file as many copies of the notice as there are parties to whom notice of submission to an award or of payment into court is to be sent.

Submission  
to award or  
payment  
into court  
with denial  
of liability.  
Form 15.

(2.) A respondent who denies liability may at any time before the day fixed for proceeding with the arbitration file a notice of submission to an award or pay money into court in accordance with this rule, accompanied by a notice stating his name and address, and further stating that notwithstanding such submission or payment he denies his liability, together with as many copies of such notice as there are parties to whom notice of such submission or payment is to be sent.

Forms 16, 17.

(3.) The registrar shall within twenty-four hours from the time of any notice filed or payment made pursuant to either of the two last preceding paragraphs send notice thereof (with a copy of the notice filed by the respondent) to the applicant, and to the other respondents (if any).

Acceptance  
of weekly  
payment  
as lump sum  
by workman.  
Form 18.

(4.) If the applicant is a workman, and elects to accept in satisfaction of his claim the weekly payment or the lump sum specified in the respondent's notice, he shall send to the registrar and to the respondent by post, or leave at the registrar's office and at the residence or place of business of the respondent, a written notice according to the form in the Appendix, stating such acceptance, within such reasonable time before the day fixed for proceeding with the arbitration as the time of filing of notice of submission by the respondent has permitted.

Acceptance  
by depend-  
ants of  
sum paid  
into court.  
Form 18.

(5.) If the application for arbitration is made on behalf of the dependants of a deceased workman, or for the settlement of the sum payable in respect of medical attendance and burial as aforesaid, and the applicant is willing to accept the sum paid into court in satisfaction of the compensation payable to the dependants, or in respect of such medical attendance and burial (as the case may be), he shall send to the registrar and to the respondent by post, or leave at the registrar's office and at the residence or place of business of the respondent, a written notice of such willingness, according to the form in the Appendix, within such reasonable time before the day fixed for proceeding with the arbitration as the time of payment into court by the respondent has permitted.

If there are any other respondents, the applicant shall in like manner give notice of such willingness to such respondents;



and if any of such respondents are willing to accept the sum paid into court in satisfaction of such compensation as aforesaid, they shall in like manner give notice of such willingness to the registrar and to the applicant and the other respondents.

(6.) If the applicant is a workman, and elects to accept in satisfaction of his claim the weekly payment submitted to or the lump sum paid into court by the respondent, or if in any other case the applicant and all the respondents give notice of their willingness to accept the sum paid into court, the following provisions shall apply:—

Procedure if weekly payment offered or sum paid in is accepted.

(a) Where the applicant is a workman and accepts the weekly payment submitted to or the lump sum paid into court by the respondent, the judge may, on application made to him in or out of court, forthwith make an award directing payment of such weekly sum accordingly, or directing payment of such lump sum to or applying the same for the benefit of the workman;

(b) Where in the case of death the respondent has paid money into court, further proceedings against such respondent shall be stayed, except as hereinafter mentioned; and

(i) If the applicant and the other respondents agree as to the apportionment and application of such sum, the judge may, on application made to him in or out of court on behalf of or with the consent of all such parties, forthwith make an award for such apportionment and application;

(ii) In any other case the arbitration may proceed as between the applicant and the other respondents.

(c) In any such case the judge may, in his discretion, by his award order the respondent filing notice of submission to an award or paying money into court to pay such costs as the applicant and the other respondents, or any of them, may have properly incurred before the receipt of notice of submission to an award or payment into court, and his or their costs properly incurred in relation to the notice of submission to an award or payment into court, and to the notice of acceptance, including, if the judge on consideration of the facts of the case shall so order, any items which might have been allowed by order of the judge at the hearing of the arbitration.

Costs payable by respondent.

(d) If the applicant or any respondent intends to apply for any such costs, he shall give notice of his intention in his notice of acceptance, according to the form in the Appendix; or where the time of filing notice of submission to an award or the time of payment into court by the respondent does not permit of notice of acceptance being given, the applicant or any respondent may apply for such costs without giving such notice.

Form 18

(7.) Where any party has not given notice of acceptance in accordance with this rule, he may nevertheless accept the weekly payment which the respondent has submitted to pay, or the sum paid into court, at any time before the arbitration is called on

Acceptance at any time before arbitration opened.

Costs.

and opened, subject to the payment of any costs which may have been reasonably incurred by the respondent since the date of filing notice of submission or the date of payment into court, and which may be allowed by the judge; and the judge may order any costs so allowed to be paid by the party so accepting, and may order such costs to be set off against any costs payable to such party, or to be deducted from any weekly payment or compensation awarded to such party.

Procedure and costs if weekly sum offered or sum paid in is not accepted.

(8.) In default of notice of acceptance by the applicant and all the respondents, the arbitration may proceed; but if no greater weekly payment or compensation is awarded than that which the respondent has submitted to pay or has paid into court, such respondent shall not be liable to pay any further costs than such as he might have been ordered to pay if the weekly payment offered or sum paid into court had been accepted; and the judge may order any costs incurred by such respondent after notice of submission to an award or payment into court to be paid by any party who has not given notice of acceptance of such weekly payment or sum, and may order such costs to be set off against any costs payable to such party, or to be deducted from any weekly payment or compensation awarded to such party. The judge may also order any costs incurred after notice of payment into court by any party who has given notice of acceptance to be paid by any other party who has not given such notice, and to be deducted from any compensation awarded to such last-mentioned party.

Submission to award or payment into court where employer is applicant.

(9.) The provisions of this rule shall, with the necessary modifications, apply to a case in which an employer has filed a request for arbitration.

*Notice to Parties against whom Indemnity claimed under section 4.*

Notice of claim to indemnity under sect. 4.

20. Where a respondent claims to be entitled under section 4 of the Act to indemnity against any person not a party to the arbitration, he shall, ten clear days at least before the day fixed for proceeding with the arbitration, or if the time is abridged pursuant to Rule 28, then, within the time fixed by the order, file a notice of his claim according to the form in the Appendix; and the registrar shall seal such notice and deliver it to the respondent, who shall serve the same, together with a copy of the applicant's request and particulars, and of the notice served on the respondent under Rules 15 and 16, upon the person against whom such claim is made; and the provisions of paragraphs 2 to 6 of Rule 16 shall apply to such service.

Form 23.

Appearance by third party.

21. If any person served with a notice under the last preceding rule (herein-after called the third party) desires to dispute the applicant's claim in the arbitration as against the respondent on whose behalf the notice has been given, or his own liability to such respondent, he must appear before the judge on the day

fixed for proceeding with the arbitration, or on any day to which he may have received notice from the registrar that the arbitration has been adjourned or postponed; and in default of his so doing he shall be deemed to admit the validity of any award made against such respondent as to any matter which the judge has jurisdiction to decide in the arbitration as between the applicant and the respondent, whether such award is made by consent or otherwise, and his own liability to indemnify the respondent to the extent claimed in the notice served on him by the respondent.

Provided, that if it appears to the judge before or at the arbitration that the notice of claim has not been served on the third party in time to enable him to appear on the day herein-before mentioned, or that for any other sufficient cause the third party is unable to appear on such day, the judge may adjourn the proceedings in the arbitration on such terms, as to costs and otherwise, as may be just.

22. If the third party fails to appear on the day mentioned in Rule 21, or, if the proceedings are adjourned under that rule, on the day to which the proceedings are adjourned, then if the arbitration results in an award in favour of the applicant, or the arbitration is finally decided in favour of the applicant otherwise than by an award, the judge may on the application of the respondent make such award as the nature of the case may require in favour of the respondent against the third party: but execution thereon shall not issue without leave of the judge until after satisfaction by the respondent of the award against him, or the amount recovered against him.

Provided, that the judge may set aside or vary any award made against the third party under this rule upon such terms as may be just.

23. The third party or the respondent may apply before or at the arbitration to the judge for directions: and the judge, upon the hearing of the application, may, if satisfied that there is a question proper to be determined as to the liability of the third party to make the indemnity claimed, in whole or in part, order the question of such liability as between the third party and the respondent giving the notice to be determined at or after the arbitration, and if not so satisfied may make such award as the nature of the case may require in favour of the respondent giving the notice against the third party: or the judge may, if it appears desirable so to do, give the third party leave to resist the claim of the applicant against the respondent upon such terms as may be just, or to appear at the arbitration and take such part therein as may be just, and generally may give such directions as he may think proper for having the question most conveniently determined, and as to the mode or extent in or to which the third party shall be bound or made liable by the award in the arbitration.

24. The judge may decide all questions of costs as between a third party and the other parties to the arbitration, and may order any one or more to pay the costs of any other or others, or give such directions as to costs as the justice of the case may require.

Where notice  
not served in  
due time.

Proceedings  
on default of  
appearance  
by third  
party.

Application  
for  
directions.  
What  
directions  
may be  
given.

Costs.

*Notice to Parties against whom Indemnity claimed under section 6, or otherwise.*

Notice of claim to indemnity under sect. 6, or otherwise than under sect. 4.  
Form 23.

If person served makes default in appearing, he is to be deemed to admit validity of award against respondent.

Where notice not served in due time.

Application to judge for directions as to conduct of arbitration.

Costs.

Judge how far empowered to decide questions as to liability of third party.

25. (1.) Where a respondent claims that if compensation is recovered against him he will be entitled under section 6 of the Act, or otherwise than under section 4, to indemnity against any person not a party to the arbitration, he may, if he desires that such person shall be bound by the proceedings in the arbitration to the extent in this rule provided, file and serve a notice of his claim in accordance with Rule 20.

(2.) If any person served with a notice under the last preceding paragraph (herein-after called the third party) desires to dispute the applicant's claim in the arbitration as against the respondent on whose behalf the notice has been given, he must appear before the judge on the day fixed for proceeding with the arbitration, or on any day to which he may have received notice from the registrar that the arbitration has been adjourned or postponed; and in default of his so doing he shall be deemed to admit the validity of any award made against such respondent as to any matter which the judge has jurisdiction to decide in the arbitration as between the applicant and the respondent, whether such award is made by consent or otherwise.

Provided, that if it appears to the judge before or at the arbitration that the notice of claim has not been served on the third party in time to enable him to appear on the day herein-before mentioned, or that for any other sufficient cause the third party is unable to appear on such day, the judge may adjourn the proceedings in the arbitration on such terms, as to costs or otherwise, as may be just.

(3.) The third party or the respondent may apply before or at the arbitration to the judge for directions; and the judge, upon the hearing of the application, may, if it appears desirable so to do, give the third party leave to resist the claim of the applicant against the respondent upon such terms as may be just, or to appear at the arbitration and take such part therein as may be just, and generally may give such directions as he shall think proper.

(4.) If the third party obtains leave to resist the claim of the applicant against the respondent, the provisions of Rule 24 as to costs shall apply.

(5.) Nothing in this rule shall empower the judge to decide (otherwise than by consent) any question as to the liability of the third party to indemnify the respondent, or to make any award in favour of the respondent against the third party, or to make any further or other order than that the third party shall not be entitled in any future proceedings between the respondent and such third party to dispute the validity of the award as to any matter which the judge has jurisdiction to decide in the arbitration as between the applicant and the respondent.

(6.) Provided, that with the consent of the respondent and the third party,

(a) If the arbitration results in an award in favour of the applicant, or is finally decided in favour of the applicant otherwise than by an award, and the third party admits his



liability to indemnify the respondent, the judge may, on application made to him at or after the hearing of the arbitration or the final decision thereof, make such award as the nature of the case may require in favour of the respondent against the third party; but execution thereon shall not issue without leave of the judge until after satisfaction by the respondent of the award against him, or the amount recovered against him; or

(b) The judge may, on an application for directions, order any question as to the liability of the third party to make the indemnity claimed to be settled, as between the respondent and the third party, by arbitration after the arbitration between the applicant and the respondent, and may on such subsequent arbitration make such award as the nature of the case may require in favour of either party against the other.

(c) In any such case the judge may decide all questions of costs as between the respondent and the third party, and may order either of such parties to pay the costs of the other (including any costs payable by such party to any other party to the arbitration), or give such directions as to such costs as the justice of the case may require.

*Third Party Procedure where Employer is Applicant.*

26. The provisions of Rules 20 to 25 shall, with the necessary modifications, apply to a case in which an employer who has filed a request for arbitration claims to be entitled to indemnity against any person not a party to the arbitration.

Third party procedure where employer is applicant.

*Claim to Indemnity as between Respondents.*

27. (1.) Where a respondent claims to be entitled to indemnity against any other respondent, a like notice shall be issued and the like procedure shall thereupon be adopted for the determination of questions between the respondents as might be issued and adopted against such other respondent if such last-mentioned respondent were a third party.

Claim to indemnity as between respondents.

(2.) Nothing herein contained shall prejudice the rights of the applicant against any respondent.

*Abridgment of Time for Service, &c.*

28. The judge or registrar may for good cause shown abridge the time for service of a request for arbitration on any respondent, or the time for filing an answer or serving a third party notice under these rules; and if an order is made to that effect a copy of the order shall be annexed to and served with the notice to be served on the respondent.

Abridgment of time for service, answer, &c.

*Procedure on Arbitration.*

29. (1.) Subject to the special provisions of these Rules, the procedure in an arbitration shall be the same as the procedure in an action commenced in the County Court by plaint and summons in the ordinary way, and determined by the judge without a jury, in so far as such procedure is applicable to proceedings by

Procedure in arbitration

way of arbitration; and the statutory provisions and rules for the time being in force relating to such actions shall, with the necessary modifications, apply to such arbitration accordingly; and in the application of such provisions and rules the applicant's request for arbitration shall be deemed to be a summons with particulars annexed, the day fixed for proceeding with the arbitration shall be deemed to be the return day, and the applicant and respondents shall be deemed to be plaintiff and defendants respectively.

Burden of  
proof of facts  
not admitted.

(2.) Provided, that the burden of proof of any facts which are not admitted shall be the same, whoever the party may be by whom the request for arbitration is filed.

#### *Award.*

Award.  
Form 24.

Order  
XXIII.,  
Rule 7.

30. (1.) The award of the judge on any arbitration shall be prepared and settled by the registrar, and shall be signed by the judge, and shall be sealed and filed, and sealed copies thereof shall be served on all persons affected thereby in accordance with Rule 7 of Order XXIII.; and such award shall be enforceable in the same manner as a judgment or order of the court.

(2.) The judge shall have power at any time to correct any clerical mistake or error in such award arising from any accidental slip or omission.

#### *Proceedings before Arbitrator appointed by Judge.*

##### *Appointment of Arbitrator by Judge.*

Appoint-  
ment of  
arbitrator  
by judge.

31. With respect to the appointment of an arbitrator by the judge, the following provisions shall apply:—

- (a) If with respect to any court the Lord Chancellor, by general order, authorises the settlement by an arbitrator appointed by the judge of matters which, in default of such authorisation, would be settled by the judge, the judge may from time to time, on an application being made for the settlement of any matter, either settle the same himself, or he may, with the approval of the Lord Chancellor, appoint, by writing under his hand, and filed in the court, an arbitrator to settle such matter.
- (b) If with respect to any court the Lord Chancellor makes no such general order as aforesaid, then, on an application being made for the settlement of any matter, the judge may (if from the state of business in the court, or for any other reason, he is unable to settle such matter within a reasonable time) apply to the Lord Chancellor to authorise the settlement of such matter by an arbitrator appointed by the judge.
- (c) If the Lord Chancellor does not grant such authority, the judge shall proceed to settle the matter in accordance with the Act and these Rules.
- (d) If the Lord Chancellor grants such authority, the judge may, with the approval of the Lord Chancellor, appoint, by writing under his hand, and filed in the court, an arbitrator to settle such matter.

- (e) In case of the death or refusal or inability to act of an arbitrator appointed under this rule, the judge may, on the application of any party, appoint a new arbitrator in accordance with this rule.

*Fixing day for Arbitration.*

32. Where any matter is to be settled by an arbitrator, the judge shall return the copy of the request for arbitration to the registrar, with the appointment of such arbitrator, to be transmitted to the arbitrator; and the registrar shall transmit the copy of the request and a copy of the appointment to the arbitrator, who shall, as soon as conveniently may be, appoint a day and hour for proceeding with the arbitration, in accordance with Rule 14, and the provisions of that rule as to the place where an arbitration shall be held shall apply. Provided, that where the arbitration is to be held at the place where the court is held, the day appointed for the arbitration shall, if possible, be one on which the court or other suitable accommodation in the court-house will be available for the arbitration.

Fixing day and place for proceedings before arbitrator.

*Procedure before Arbitrator.*

33. (1.) On the day for proceeding with an arbitration being fixed the registrar shall proceed according to Rule 15, and thenceforward the arbitration shall proceed in the same manner as an arbitration before the judge; and these Rules shall apply and the officers of the court shall act accordingly, with the substitution of the arbitrator for the judge.

Procedure before arbitrator.

(2.) Provided that—

- (a) In any case coming within the provisions of paragraph 6 (a) or paragraph 6 (b) (i) of Rule 19, or in any other case in which, after an arbitrator has been appointed, but before the day fixed for proceeding with the arbitration, the parties agree upon an award, the judge may, on application made to him in or out of court on behalf of or with the consent of all parties, settle the matter himself; and thereupon the functions of the arbitrator as to such matter shall cease, and the registrar shall forthwith inform him that the matter has been settled; and
- (b) Any application for the enforcement of or for staying proceedings on an award, which would in the case of an award made by the judge be required to be made to the judge, shall, in the case of an award made by an arbitrator, be in like manner made to the judge.

*Submission of Question of Law by Committee or Arbitrator to Judge.*

34. (1.) Where a committee or an arbitrator (whether agreed on by the parties or appointed by the judge) submits any question of law for the decision of the judge under paragraph 4 of the second schedule to the Act, such submission shall be in the form of a special case.

Submission of question of law by committee or arbitrator to judge  
Act, Sched. 2, par. 4.

Statement of  
case.

(2.) The case shall be intituled in the matter of the Act and of the arbitration, and shall be divided into paragraphs numbered consecutively, and shall state concisely such facts and documents as may be necessary to enable the judge to decide the questions of law raised thereby. Upon the argument of the case the judge and the parties shall be at liberty to refer to the whole contents of such documents, and the judge shall be at liberty to draw from the facts and documents stated in the case any inference, whether of fact or of law, which might have been drawn therefrom if proved at the hearing of an arbitration.

Fixing day  
for hearing.

(3.) The case shall be signed by the chairman and secretary of the committee or by the arbitrator, and sent to the registrar, who shall transmit the same to the judge, and the judge shall as soon as conveniently may be appoint a day and hour for hearing the case, and instruct the registrar to give notice thereof forthwith to the parties. The day shall be so fixed as to allow notice to be given ten days at least before the day fixed for the hearing, unless the judge shall, with the consent of all parties, fix an earlier day.

Form 25.

Copies of  
case.

(4.) The registrar shall, on the application and at the cost of any party, furnish him with a copy of the case.

Power of  
judge on  
hearing of  
case.

(5.) On the hearing of the case the judge may, after deciding the question submitted to him, remit the case with a memorandum of his decision to the committee or arbitrator, for them or him to proceed thereon in accordance with the decision; or if the decision of the judge on the question submitted to him disposes of the whole matter, he may himself make an award in the arbitration in accordance with such decision.

Re-state-  
ment.

(6.) The judge may remit the case to the committee or arbitrator for re-statement or further statement.

Costs of  
special case.

(7.) The judge shall have the same power over the costs of a special case as he has over the costs of an arbitration, or he may direct that such costs shall be dealt with as costs attending the arbitration; and the provisions of the Act and these Rules as to such costs shall apply accordingly.

### *Appearance of Parties in Arbitration.*

Appearance  
of parties.

35. (1.) A party to any arbitration under the Act, whether before a committee or an agreed arbitrator, or before a judge or an arbitrator appointed by a judge, may appear—

(a) In person:

(b) By any solicitor who would be entitled to appear for such party in an action in the County Court:

(c) By counsel:

Or, by leave of the committee, agreed arbitrator, judge or arbitrator, a party may appear—

(d) By a member of his family:

(e) By a person in the permanent and exclusive employment of such party:

(f) In the case of a company or corporation, by any director of the company or corporation, or by the secretary or any other officer or any person in the permanent and exclusive employment of the company or corporation:

(g) By any officer or member of any society or other body of persons of which such party is a member or with which he is connected, or, where death results from the injury, by any officer or member of any society or other body of persons of which the deceased workman was a member or with which he was connected; or

(h) Under special circumstances, by any other person.

(2.) No person other than a solicitor who appears or acts on behalf of any party in any arbitration under the Act shall be entitled to have or recover any fee or reward for so appearing or acting, other than such travelling expenses and (in the case of a workman or a member of his family) allowance for time (if any) as may be allowed by the committee, agreed arbitrator, judge or arbitrator: Provided that nothing in these rules contained shall affect the right of counsel to appear or act in any arbitration, or the right of any solicitor to recover costs in respect of his employment of counsel to appear or act as aforesaid.

#### *Duty of Judge as to taking Notes.*

36. At the hearing of any arbitration or special case the judge shall make a note of any question of law raised, and of the facts in evidence in relation thereto, and of his decision thereon, and of his decision in the arbitration or on the hearing of the case: and he shall, at the expense of any party to such arbitration or case, furnish a copy of the note so taken to or allow a copy of the same to be taken by or on behalf of such party, and shall sign such copy, whether a notice of motion by way of appeal has been served or not.

Note to be taken of question of law raised, &c., and copy furnished.

#### *Proceedings against Insurers under Section 5.*

37. (1.) Where under section 5 of the Act the rights of an employer against any insurers under a contract entered into by the employer with the insurers in respect of any liability under the Act to any workman are transferred to and vest in the workman, the following provisions shall have effect.

Where rights of bankrupt, &c, employer against insurers vest in workman under sect. 5 Examination of employer as to insurance.

(2.) Where a workman who is or claims to be entitled to compensation from an employer to whom section 5 of the Act applies is unable to ascertain whether such employer has entered into a contract with insurers in respect of his liability, he may apply to the court on affidavit intituled in the matter of the Act, and setting forth the facts on which the application is made, for an order for the examination of the employer, and the court may make an order accordingly; and the provisions of Order XXV., Rules 71 and 72 shall apply in the same manner as if the employer were a debtor liable under a judgment or order.

Order XXV., Rules 71, 72.

(3.) Subject to the provisions of the contract between the employer and the insurers as to the settlement of differences or disputes between the employer and the insurers, the provisions of the Act and these Rules as to the settlement of matters by arbitration shall with the necessary modifications apply to the settlement by arbitration, as between the workman and the

Arbitration between workmen and insurers.

Form 11.

insurers, of any question as to the liability of the insurers to the workman or the amount of their liability, and of any other question which would under the Act be the subject of arbitration between the workman and the employer if the rights, remedies, and liability of the employer had not been transferred to the insurers.

*Masters, Seamen, Apprentices, and Pilots. Section 7.*

Masters,  
seamen,  
apprentices,  
and pilots.

38. (1.) In the application of the Act and these Rules in the case of masters, seamen, and apprentices to the sea-service and apprentices in the sea-fishing service, who are workmen within the meaning of the Act, and who are members of the crew of any such ship as in section 7 of the Act mentioned, and to pilots when employed on any such ship, the following provisions shall have effect.

Claim for  
compensation  
in case of  
death.

(2.) In the case of the death of a master, seaman, apprentice, or pilot, the claim for compensation shall state the date at which news of the death was received by the claimant.

Where  
master, &c.,  
lost with  
ship.

(3.) The claim for compensation on behalf of dependants of a master, seaman, apprentice, or pilot lost with his ship, and the particulars appended or annexed to the request for arbitration, shall state the date at which the ship was lost or is deemed to have been lost.

Forms of  
request for  
arbitration.  
Forms 6, 7.

(4.) A request for arbitration shall be according to such one of the forms in the Appendix as shall be applicable to the case, with such modifications as the nature of the case shall require.

Description  
of owners in  
documents  
and  
proceedings.

(5.) In any document, notice, or proceeding it shall be sufficient to describe the owners of the ship as "the owners of the ship"; and the provisions of the County Court Rules as to disclosure of the names of partners shall with the necessary modifications apply to the disclosure of the names of such owners.

Service of  
documents  
and  
proceedings.  
Merchant  
Shipping  
Act, 1894,  
ss. 59, 696.

(6.) Subject to the provisions of paragraph (a) of section 7 of the Act as to service of the notice of accident and the claim for compensation, any document, notice, or proceeding to be served on the owners of a ship shall be deemed to be sufficiently served if served on the managing owner or manager for the time being of the ship, or (except where the master is claiming compensation) on the master of the ship; and section 696 of the Merchant Shipping Act, 1894, sub-section (1), shall apply to service on the master of the ship, and where the master is claiming compensation, and there is no managing owner of the ship, service may be effected in accordance with paragraph (c) of the said sub-section.

*Detention of Ships. Section 11.*

Application  
for detention  
of ship.  
Act, s. 11.  
5 Edw. 7.  
c. 10.

39. (1.) An application for an order for the detention of a ship under section 11 of the Act shall be made in accordance with the rules for the time being in force under the Shipowners' Negligence (Remedies) Act, 1905; and those rules, with the necessary modifications, shall apply accordingly.

(2.) Subject to any such rules as in the last preceding paragraph mentioned, an application for an order for detention shall be made in accordance with the following rules.



(3.) The application may (subject to the provisions of paragraph 9 of this rule) be made *ex parte* either in or out of court, according to the form in the Appendix, and shall be supported by affidavit or other evidence showing, to the satisfaction of the judge, the grounds on which the application is made.

Application and evidence.  
Form 26.

(4.) The judge may, before granting the application, require the applicant to give or procure an undertaking, to the satisfaction of the judge, to abide by any order as to damages and costs which may be thereafter made, in case any person affected by the order for detention shall sustain any damages by reason of the order which the applicant ought to pay.

Undertaking as to damages.  
Form 27.

(5.) An order for detention shall specify the amount for which security shall be given, and shall be according to the form in the Appendix, and shall be issued in triplicate; one copy shall be delivered to the applicant, and the other two copies to the officer named by the judge; and one of such last-mentioned copies shall be delivered by the officer to the person who is at the time of the execution of the order apparently in charge of the ship, or shall be nailed or affixed on the main mast or on the single mast of the ship; and the other copy shall be retained by the officer.

Order, and execution thereof.  
Form 28.

(6.) The judge may at any time on good cause shown rescind any order for detention made by him.

Rescission of order.

(7.) The provisions of sections one hundred and eight and one hundred and nine of the County Courts Act, 1888, and of Order XXIX., as to security, shall with the necessary modifications apply to the giving of security; and the approval by the judge of any security shall be signified in writing signed by him. Where security is given by bond such bond shall be according to the form in the Appendix.

Security.  
County Courts Act, 1888, ss. 108, 109.  
Order XXIX.  
Form 29.

(8.) If the judge rescinds any order for detention, or is satisfied that satisfaction has been made, or when security has been given and approved, or in any other case if the applicant so requires, the judge shall deliver to the party applying for the same an order according to the form in the Appendix, directed to the officer named in the order for detention, authorising and directing him, upon payment of all costs, charges, and expenses attending the custody of the ship, to release it forthwith.

Release.

Form 30.

(9.) (a) With respect to notices of applications for orders for detention, and to undertakings to give security, the following provisions shall have effect.

Notice of application to agent or solicitor of owners.

(b) Notwithstanding anything in this rule contained, a person intending to apply for an order for detention shall, if the name and address of an agent in England for the owners of the ship, or of a solicitor in England authorised to act for the owners, agent, master, or consignee of the ship, are known to him, give to such agent or solicitor, by post, telegram, or otherwise, such notice of the time and place at which the application for an order for detention is intended to be made as may be practicable in the circumstances of the case.

(c) If a solicitor in England represents that he is authorised to act for the owners, agent, master, or consignee of the ship, and signs an undertaking according to the form in the Appendix, to put in or give security for an amount agreed on between the

Undertaking by solicitor.  
Form 30A.

parties or fixed by the judge, then, on such undertaking being filed in court,

- (i) the judge may in his discretion refuse to make an order for detention; or
- (ii) if an order for detention has been made, but not executed, the judge may rescind it; or
- (iii) if an order for detention has been made and executed, the judge may deliver to the party applying for the same an order of release in accordance with paragraph 8 of this rule.

Filing of undertaking.

(d) An undertaking given in accordance with the last preceding paragraph shall be filed in the court to which the application for an order for detention is made or is intended to be made.

Attachment for non-compliance with undertaking.

(e) A solicitor who fails to put in or give security in pursuance of his undertaking to do so shall be liable to attachment.

Particulars to state circumstances under which persons giving security are made respondents. Form 8.

(10.) Where proceedings by way of arbitration for the recovery of compensation are taken against the persons giving security, the request for arbitration and particulars shall state concisely the circumstances under which the persons giving security are made respondents.

Transmission of documents, &c., where proceedings commenced in court other than that in which order for detention made or applied for.

(11.) Where proceedings are commenced in any court in England, Scotland, or Ireland other than that in which the order for detention was made or applied for, the registrar of the court in which the order was made or applied for shall on request transmit by registered post to the registrar of the court in which the proceedings are commenced all original documents filed in the matter, and a certified copy of all records made with reference to the matter, and any bond by way of security given in the matter, and shall transfer to such last mentioned court any money paid into court by way of security in the matter; and the provisions of Order VIII., Rule 9, as to the costs of copies and the costs of transmission shall apply to any transmission under this paragraph.

Costs of application for order for detention.

(12.) The costs incurred by any party in relation to an application for an order of detention and any proceedings consequent thereon may in any subsequent proceedings by way of arbitration be allowed as costs of the arbitration.

*Proceedings where Employer who has paid Compensation, or from whom Compensation is claimed, desires to obtain Order for Detention of Ship.* 5 Edw. 7. c. 10.

Application by employer for detention of ship. 5 Edw. 7. c. 10.

40. Where an employer who has paid compensation or against whom a claim for compensation has been made under the Act desires to make an application for the detention of a ship under the Shipowners Negligence (Remedies) Act, 1905, the provisions of the last preceding rule shall apply, subject to the rules for

the time being in force under the last-mentioned Act, and to the following modifications, viz.:

- (i) An application for an order for detention, an order for detention, and a bond given by way of security, shall be according to the forms in the Appendix. Forms 31, 32, 33.
- (ii) Where proceedings by way of arbitration for the recovery of compensation are taken against the employer, he may bring in the persons giving security as third parties in accordance with Rule 25, and the provisions of that rule shall apply accordingly. Form 23.
- (iii) Where such proceedings are taken against the employer in any court other than that in which the order for detention was made or applied for, and the employer brings in the persons giving security as third parties, the provisions of paragraphs 11 and 12 of the last preceding rule shall apply.
- (iv) Where the employer has paid compensation in respect of the injury, all questions as to his right to indemnity against the persons giving security, and as to the amount of such indemnity, shall in default of agreement be settled by action, or, by consent of the parties, by arbitration in accordance with the Act and these Rules; and if such questions are settled by arbitration, the provisions of paragraphs 10 to 12 of the last preceding rule shall apply.

#### *Industrial Diseases.*

41. (1.) In the application of the Act and these Rules in the case of a workman disabled by or suspended on account of his having contracted any disease mentioned in section 8 of and the third schedule to the Act, or in any order of the Secretary of State made under sub-section 6 of the said section, or disabled by or suspended on account of his having sustained any injury due to the nature of any employment specified in any such order, not being an injury by accident, or in the case of a workman whose death has been caused by any such disease or injury as above mentioned, the following provisions shall have effect.

Application of Act and rules to cases of industrial diseases.

(2.) The notice required by section 2 of the Act shall state the date and cause of the disablement or suspension; and where a certificate of disablement or a certificate of or relating to suspension has been given, a copy thereof shall on demand be furnished to the employer.

Notice of disablement.

(3.) A request for arbitration shall be according to such one of the forms in the Appendix as shall be applicable to the case, with such modifications as the nature of the case may require.

Forms of request for arbitration. Forms 9, 10.

(4.) (a) If the employer desires to add any other employer as a party to the arbitration, pursuant to proviso (ii) to paragraph (c) of sub-section (1) of section 8 of the Act, he shall file with the registrar in duplicate a notice according to the form in the Appendix: and thereupon the registrar shall make an order adding such other employer as a respondent, and may if necessary adjourn the hearing of the arbitration for such time as may be necessary to enable such other employer to be duly served.

Adding respondent under Act, s. 8 (1) (c) (ii). Forms 19, 20

(b) Where a respondent is added under the last preceding paragraph, copies of the notice pursuant to which he is so added, and of the order, shall be sent by post to the applicant and the original respondent; and the like copies, together with a copy of

Notice of order, and service on added respondent.

the applicant's request and particulars, and of the notice served on the original respondent under Rules 15 and 16, and a notice according to the form in the Appendix as to the place at which and the day and hour on and at which the arbitration will be proceeded with, shall be issued by the registrar for service on the added respondent; and such copies and notices shall be served on the added respondent in accordance with Rule 16, with the substitution of the original respondent for the applicant.

(c) The provisions of these Rules as to respondents shall apply to the added respondent from the date of service on him as if he had been originally made a respondent.

(d) At the hearing of the arbitration the judge or arbitrator shall decide all questions as between the applicant and the original and added respondents, and may make such award as may be necessary effectively and complete to adjudicate upon and settle all the questions involved in the arbitration, and may make such order as to costs as between the applicant and the respondents, and as between the respondents themselves, as may be just.

(5.) Where the employer claims under proviso (iii) to paragraph (c) of sub-section (1) of section 8 of the Act to be entitled to contribution from any other employer, he may bring in such other employer as a third party in accordance with Rules 20 to 24, 26 and 27; and the provisions of those rules shall with the necessary modifications apply to any such claim to contribution in like manner as they apply to claims to indemnity.

*Appointment of Arbitrator by Judge in place of Arbitrator agreed on by the Parties under Schedule II., Paragraph 8.*

42. (1.) In case of the death or refusal or inability to act of an arbitrator agreed on by the parties, any party to the arbitration who desires to make an application to the judge to appoint a new arbitrator shall apply in writing to the registrar to fix a time and place for the hearing of such application.

(2.) The registrar shall fix the hearing of the application before the judge for any court appointed to be held within fourteen days from the date of the application to the registrar, but so that he shall not, except by consent, fix the hearing for a day less than seven days from the date of the application.

(3.) If there is no available court, the registrar shall send notice of the intended application to the judge, who shall as soon as conveniently may be fix a time and place for the hearing of the application. Such time shall not, except by consent, be less than seven days from the date of the application to the registrar.

(4.) On the time and place for the hearing of the application being fixed, the registrar shall issue to the applicant a summons under the seal of the court according to the form in the Appendix, addressed to the other party to the arbitration, and requiring him to attend on the hearing of the application.

(5.) Such summons shall be served by the applicant on the other party in accordance with Rule 16 of these Rules not less than four clear days before the day fixed for the hearing, unless such party agrees to accept shorter service.

(6.) On the day fixed for the hearing the judge shall dispose of the application on hearing the parties, or on hearing the applicant and on proof of service of the summons on the other party, if such other party does not appear.

Hearing of application.

(7.) Before appointing any person to act as arbitrator, the judge shall ascertain that such person is willing to serve if appointed.

Ascertainment of willingness to act.

(8.) The appointment may be made by indorsement on the summons, or by a separate order.

Order.

(9.) The costs of the application shall be in the discretion of the judge, who may order the same to be paid by one party to the other, or to be dealt with as costs attending the arbitration. Such costs, if allowed, shall be taxed on such scale as the judge shall direct.

Costs.

*Memorandum under Schedule II., Paragraph 9.*

43. (1.) The memorandum as to any matter decided by a committee or by an arbitrator or by agreement, which is by paragraph 9 of the second schedule to the Act required to be sent to the registrar, shall be according to such one of the forms in the Appendix as is applicable to the circumstances of the case, and shall be left at the office of the registrar, or sent by post by registered letter addressed to the registrar at his office, as soon as may be after the matter has been decided.

Memo-  
randum to  
be sent to  
registrar.  
Act, Sched. 2  
par. 9.  
Form 36.

(2.) Where the matter is decided after a medical referee has been appointed to report on any matter under paragraph 15 of the second schedule to the Act, a copy of the report of the referee shall be annexed to the memorandum and recorded therewith; and if the referee attended any proceeding in the arbitration, it shall be so stated in the memorandum.

(3.) In the case of an agreement as to any matter referred to in paragraph 1 of Rule 51, a separate statement as required by that paragraph shall be left or sent with the memorandum of the agreement.

Form 37.

44. (1.) If the matter is decided by a committee or an arbitrator, the memorandum shall be authenticated by the signatures of the chairman and secretary of the committee, or by the signature of the arbitrator; and it shall be the duty of the committee or arbitrator, as soon as may be after the decision, to draw up such memorandum and to sign the same or cause it to be signed as aforesaid, and to leave or send the same as aforesaid, or to deliver the same to some party interested, to be by him so left or sent.

Authentica-  
tion of  
memo-  
randum of  
decision of  
committee or  
arbitrator.

(2.) If the matter is decided by agreement, the memorandum shall be authenticated by the signatures or signature of the parties to the agreement or one of them, or, in the case of employers, by the signature of some official or other person in their employ duly authorised to sign on their behalf, or, in the case of persons under disability, by the signature of their next friend on their behalf.

Authentica-  
tion of  
memo-  
randum of  
agreement.

(3.) Where an agreement is made as to the amount of compensation payable in the form of a weekly payment or of a lump sum to a workman who is an insured person within the meaning of the National Insurance Act, 1911, or as to the redemption by a lump sum of a weekly payment to a workman who is such an

Where  
agreement  
made with  
workman  
insured  
under 1 & 2  
Geo. 5. c. 55.

insured person, the Insurance Commissioners, or the society or committee concerned in the administration of any benefit to which such insured person is entitled under the last mentioned Act, shall for the purposes of paragraph 9 of the second schedule to the Act, and of these Rules, be deemed to be parties interested.

In any such case the Commissioners, or the society or committee so concerned, may themselves leave or send a memorandum of the agreement; and if such memorandum is left or sent by any other person, a copy thereof shall be sent by the registrar to the Commissioners, or to the society or committee.

Copies.

(4.) There shall be left or sent with the memorandum a copy thereof for every party interested, other than the party (if any) by whom the memorandum is left or sent.

Production of original agreement.

(5.) Where the matter is decided by agreement, the registrar may, if the original agreement is in writing, and is not left or sent to be recorded, require such original agreement to be produced; but he shall not be entitled to retain the same where a memorandum thereof is left or sent to be recorded.

Memorandum may be lodged by insurers.

(6.) An agreement or memorandum of an agreement may be left with or sent to the registrar by insurers on behalf of the parties interested.

Agreement on behalf of person under disability.

(7.) An agreement made by or on behalf of any person under any legal disability shall be conditional only unless and until a memorandum thereof has been recorded in accordance with the Act and these Rules.

Notice to parties interested of memorandum having been received.  
Form 38.

45. On the receipt of the memorandum the registrar shall send one of the copies thereof to every party interested, with a notice according to the form in the Appendix, requesting such party to inform him within seven days from the date of the notice whether the memorandum is genuine, or whether he disputes it, and, if so, in what particulars, or objects to its being recorded, and, if so, on what grounds.

Recording of memorandum, if not disputed.  
1 & 2 Geo. 5. c. 55. s. 11. (1) (c).

46. If all the parties interested admit the genuineness of the memorandum, or do not within such period of seven days dispute it or object to its being recorded, the registrar shall, subject to proviso (d) to paragraph 9 of the second schedule to the Act, as extended by section 11, subsection 1 (c) of the National Insurance Act, 1911, and to Rule 51, record it without further proof.

Where memorandum disputed, or employer objects to its being recorded.  
Act, Sched. 2, par. 9 (b).

47. If any party interested disputes the genuineness of the memorandum, or if, where a workman seeks to record a memorandum of agreement between his employer and himself, the employer alleges that the workman has in fact returned to work and is earning the same wages as he did before the accident, and objects to the recording of the memorandum, such party or employer shall within seven days from the date of the notice mentioned in Rule 45 file with the registrar a notice according to the form in the Appendix that he disputes the genuineness of the memorandum or that he objects to its being recorded, and shall with such notice file a copy thereof for each of the other parties interested.

Form 39.



48. On the receipt of any such notice as in the last preceding rule mentioned, the registrar shall send a copy thereof to each of the other parties interested, together with a notice according to the form in the Appendix, informing such party that the memorandum will not be recorded except with the consent in writing of the party or employer disputing the same or objecting to the same being recorded, or by order of the judge.

Notice of  
dispute or  
objection.

Form 40.

49. (1.) If the consent mentioned in the last preceding rule is obtained, the registrar shall, subject to proviso (d) to paragraph 9 of the second schedule to the Act, as extended by section 11, sub-section 1 (c) of the National Insurance Act, 1911, and to Rule 51, record the memorandum without further proof.

Subsequent  
proceedings.  
1 & 2 Geo. 5  
c. 55. s. 11.  
(1) (c).

(2.) If such consent cannot be obtained, any party interested may apply to the judge to order the memorandum to be recorded.

(3.) Provided that if all parties interested consent in writing to any amendment of the memorandum, and to the recording of the same as so amended, the registrar may amend the memorandum accordingly, and record the same without further proof.

Amendment  
of memo-  
randum by  
consent.

*Proceedings for Record of Memorandum or Rectification of Register.*

50. The following provisions shall apply to an application for an order that a memorandum be recorded, or an application to the judge to rectify the register pursuant to paragraph 9 of the second schedule to the Act.

Proceedings  
on applica-  
tion for  
record of  
memoran-  
dum or  
rectification  
of register.  
Form 41.

(a) The application shall be made in court on notice in writing, stating the relief or order which the applicant claims.

(b) The notice shall be filed with the registrar, and copies thereof shall be served—

(i) in the case of an application for an order that a memorandum be recorded, on the party disputing the memorandum or objecting to its being recorded, and on all other parties interested;

(ii) in the case of an application to rectify the register, on every party who would be affected by such rectification, subject to the provisions of these Rules as to the parties to an arbitration;

or on the solicitor of such party, ten clear days at least before the hearing of the application, unless the judge or registrar gives leave for shorter notice.

(c) On the hearing of the application witnesses may be orally examined in the same manner as on the hearing of an action.

(d) On the hearing of the application the judge may make such order or give such directions as he may think just, regard being had, in the case of an application for an order that a memorandum of an agreement be recorded, to proviso (d) to paragraph 9 of the second schedule to the Act, as extended by section 11, sub-section 1 (c) of the National Insurance Act, 1911, and to Rule 59.

1 & 2 Geo. 5.  
c. 55. s. 11.  
(1) (c).

(e) The provisions of the Act and these Rules as to the costs of an arbitration before the judge shall apply to any such application.

*Reference of Agreement presented for Registration to the Judge.  
Schedule II., Paragraph 9, Proviso (d).*

Where memorandum of agreement relates to matter within Act, Sched. 2, par. 9, proviso (d).  
1 & 2 Geo. 5. c. 55. s. 11.  
(1) (c).  
Form 37.

Form 37.  
Part A. (f).

Inquiry by registrar, and proceedings thereon.

1 & 2 Geo. 5. c. 55. s. 11.  
(1) (c).

Form 42.

51. (1.) Where a memorandum of an agreement as to the redemption of a weekly payment by a lump sum, or as to the amount of compensation payable to a person under any legal disability, or to dependants, or as to the amount of compensation payable in the form of a weekly payment or of a lump sum to a workman who is an insured person within the meaning of the National Insurance Act, 1911, is presented for registration, there shall be left or sent with the memorandum a separate statement according to the form in the Appendix, of such of the particulars mentioned in that form as are applicable to the case. Where a memorandum of an agreement with a workman is presented for registration, there shall be added to Part A. of the said form a paragraph according to the form in the Appendix, stating whether the workman is or is not an insured person within the meaning of the last mentioned Act, and if he is such an insured person, stating also the name and address of the Insurance Commissioners or of the society or committee concerned in the administration of any benefit to which he is entitled under the last-mentioned Act.

(2.) In any such case the registrar shall, before recording the memorandum, make such inquiries and obtain such information as he may think necessary in order to satisfy himself that the memorandum may properly be recorded, regard being had to proviso (d) to paragraph 9 of the second schedule to the Act, as extended by section 11, sub-section (1) (c), of the National Insurance Act, 1911: and it shall be the duty of the parties to the agreement to answer such inquiries and give such information accordingly.

(3.) Where it appears to the registrar that the memorandum ought not to be recorded for any reason mentioned in the said proviso as so applied, he shall make a report to the judge in writing, stating the information he has obtained, and the grounds on which it appears to him that the memorandum ought not to be recorded.

(4.) If on consideration of the registrar's report it appears to the judge that the memorandum may properly be recorded, he may so direct, and it shall be recorded accordingly.

(5.) If on consideration of the registrar's report it appears to the judge that the memorandum should not be recorded without further inquiry, the registrar shall send notice to the parties interested according to the form in the Appendix, informing them that he has referred the matter to the judge, and requiring them to attend on a day to be named in the notice, when the matter will be inquired into by the judge.

(6.) Where the registrar has refused to record a memorandum of agreement by reason of the inadequacy of the amount of compensation agreed to be paid in the form of a weekly payment or of a lump sum to a workman who is an insured person within the meaning of the National Insurance Act, 1911, paragraph (a) of the form referred to in the last preceding paragraph shall be altered accordingly.

1 & 2 Geo. 5. c. 55. s. 11.  
(1) (c).  
Form 42 (a).

(7.) The notices shall be sent to the parties or their solicitors ten clear days at least before the day fixed for the inquiry, unless the judge directs shorter notice to be given.

(8.) At the inquiry witnesses may be orally examined in the same manner as on the hearing of an action.

(9.) At the inquiry the judge may make such order or give such directions as he may think just.

(10.) The provisions of the Act and these Rules as to the costs of an arbitration before the judge shall apply to any such inquiry; and in particular, if it appears that a report of the registrar has been rendered necessary by the neglect or refusal of any party to an agreement to furnish any information reasonably required of him by the registrar, such party may be ordered to pay the costs of the inquiry.

*Proceedings for Removal of Record of Memorandum of Agreement from Register under Schedule II., Paragraph 9, Proviso (e).*

52. (1.) An application to the judge by or on behalf of any party for the removal from the register of the record of a memorandum of agreement under proviso (e) to paragraph 9 of the second schedule to the Act shall be made in court on notice in writing: and the provisions of Rule 50 shall apply to the proceedings on such application.

Application for removal of agreement from register Act, Sched. 2, par. 9, proviso (e). Form 43.

(2.) If it appears to the judge on a report by the registrar without such application as in the last preceding paragraph mentioned that the record of a memorandum of an agreement should be removed from the register pursuant to the said proviso, the registrar shall send notice to the parties to the agreement according to the form in the Appendix, requiring them to attend on a day to be named in the notice, when the matter will be inquired into by the judge.

Notice where inquiry directed by judge. Form 44.

(3.) Such notice shall be sent and the inquiry held in accordance with the provisions of the last preceding rule, and the provisions of that rule shall apply to any such inquiry.

*Payment into Court and Application of lump Sum payable by Agreement in lieu of or for Redemption of weekly payment payable to a person under legal disability.*

53. Where an agreement is made for the payment of a lump sum in lieu of a weekly payment to a person under any legal disability, or for the redemption by a lump sum of a weekly payment payable to a person under any legal disability, and a memorandum thereof has been recorded in accordance with the Act and these Rules, such sum shall be paid into court, and shall be invested, applied, or otherwise dealt with by the court in such manner as the court in its discretion thinks fit for the benefit of the person entitled thereto, and the receipt of the registrar of the court shall be a sufficient discharge in respect of the amount paid in: and the provisions of paragraph 5 of the first schedule to the Act and of Rule 60 shall apply to the payment into court and the investment and application of such lump sum.

Payment into court and investment and application of lump sum payable under agreement in lieu of or for redemption of weekly payment to person under disability. Act, Sched. 1, pars. 5, 17.

*Certificate under Section 1, Sub-section 4.*

Certificate  
under Act,  
sect. 1, sub-  
sect. 4.  
Form 45.

54. (1.) Where an action is brought in the County Court to recover damages independently of the Act for injury caused by any accident, and the court proceeds under sub-section 4 of section 1 of the Act, the certificate given by the court shall be according to the form in the Appendix.

(2.) The registrar shall, on receiving a certificate given by any other court under the said sub-section, record the same in like manner as if such certificate were an award made by the judge.

*Summoning Medical Referee as Assessor under Schedule II., Paragraph 5.*

Application  
for assessor.  
Act, Sched. 2,  
par. 5.  
Form 46.

55. (1.) Any party to an arbitration may eight clear days at least before the day fixed for proceeding with the arbitration file with the registrar an application according to the form in the Appendix, requesting the judge to summon a medical referee to sit with him as an assessor under paragraph 5 of the second schedule to the Act.

Assessor to  
be sum-  
moned if  
judge  
approves.

(2.) On the receipt of an application for an assessor the registrar shall forward a copy of the same to the judge, who if he thinks fit shall return the same with his approval, and thereupon the registrar shall forthwith summon an assessor.

Notice where  
judge does  
not approve.  
Form 47.

(3.) If the judge does not think fit that an assessor shall be summoned, notice thereof shall be given by the registrar to the applicant, according to the form in the Appendix.

Summoning  
of assessor if  
judge  
approves or  
so directs.  
Form 48.

(4.) If the judge thinks fit, either on the application of any party to an arbitration or on his own motion, to summon a medical referee to sit with him as an assessor, the registrar shall forthwith summon a medical referee by sending to him by post a summons according to the form in the Appendix.

Where  
assessor fails  
to attend.

(5.) If at the time and place appointed for the arbitration the medical referee summoned does not attend, the judge may either proceed with the arbitration without the assistance of an assessor, or he may adjourn the hearing.

*Appointment of Medical Referee to Report under Schedule II., Paragraph 15.*

Appoint-  
ment of  
medical  
referee to  
report under  
Act, Sched. 2,  
par. 15.

56. (1.) Subject to and in accordance with the regulations made by the Secretary of State and the Treasury under paragraph 15 of the second schedule to the Act, the judge may submit to a medical referee for report any matter which seems material to any question arising in an arbitration.

(2.) When any matter is submitted as aforesaid, the judge may, subject to and in accordance with such regulations, order the injured workman to submit himself for examination by the medical referee; and it shall be the duty of the workman, on being served with such order, to submit himself for examination accordingly.

Application  
for reference  
to a medical  
referee under  
Act, Sched. 1,  
par. 15.

*Application for Reference to Medical Referee under Schedule I., Paragraph 15.*

57. (1.) With respect to applications to the registrar pursuant to paragraph 15 of the first schedule to the Act to refer any

matter to a medical referee, the following provisions shall have effect.

(2.) An application to the registrar to refer any matter to a medical referee shall be made in writing, and shall contain a statement of the facts which render the application necessary, according to the form in the Appendix, and shall be accompanied by a copy of the report of every medical practitioner who has examined the workman either on behalf of the employer or on the selection of the workman. The application shall be signed by or on behalf of both parties; and the applicant shall file copies of the application and reports for the use of the medical referee.

Form 49.

(3.) On the hearing of the application the registrar shall refer the matter to a medical referee; and shall forward to such medical referee by registered post one of the filed copies of the application and reports, with an order of reference according to the form in the Appendix.

Form 50.

(4.) The registrar shall also make an order directing the workman to submit himself for examination by the medical referee, subject to and in accordance with any regulations made by the Secretary of State.

Form 51.

(5.) Before making such order the registrar shall inquire whether the workman is in a fit condition to travel for the purpose of examination, and if satisfied that he is in a fit condition shall by the order direct him to attend at such time and place as the referee may fix, and if satisfied that he is not in a fit condition to travel shall so state in the order of reference; and it shall be the duty of the workman, on being served with the order, to submit himself for examination accordingly.

(6.) The registrar shall deliver or send by registered post to each party a copy of the order of reference, and shall send to the workman a copy of the order directing him to submit himself for examination.

(7.) The medical referee shall forward his certificate in the matter to the registrar by registered post.

(8.) On the receipt of the certificate of the medical referee the registrar shall inform the parties by post that it has been received, and shall permit any party to inspect the same during office hours, and shall on the application and at the cost of either party furnish him with a copy of the certificate, or allow him to take a copy thereof.

Form 52.

(9.) The fee payable by the applicant shall be calculated at the rate of one shilling in the pound on 26 times the amount of the weekly payments claimed by or payable to the workman, so that the total fee shall not exceed one pound.

(10.) The costs of any application to the registrar, including the fee paid under the last preceding paragraph, may be allowed as costs in any subsequent arbitration for the settlement of the weekly payment to be made to the workman, or, where the application is made after the weekly payment has been settled, as costs in any subsequent arbitration as to the review of such weekly payment.

*Suspension of Proceedings or Weekly Payments on Refusal to Submit to Examination under Schedule 1., Paragraph 4, Paragraph 14, or Paragraph 15.*

Application to stay proceedings or suspend weekly payments on refusal of workman to submit to examination under Act, Sched. 1, par. 4, par. 14, or par. 15.

58. (1.) In any case in which a workman has given notice of an accident, or is receiving weekly payments under the Act, and the employer alleges that the workman refuses to submit himself to medical examination in accordance with paragraph 4, paragraph 14, or paragraph 15 of the first schedule to the Act, or in any way obstructs such examination, the employer may apply for a suspension of the right to compensation and to take or prosecute any proceedings under the Act in relation to compensation, or of the right to the weekly payments, until such examination has taken place, in accordance with this rule.

(2.) Where proceedings are pending before a committee or an arbitrator agreed on by the parties, the application shall be made to such committee or arbitrator.

(3.) Where the workman has given notice of an accident, but no proceedings are pending, or proceedings are pending before the judge or an arbitrator appointed by him, the application shall be made to the judge.

(4.) Where the workman is receiving weekly payments under an award, memorandum, or certificate, then

(a) If proceedings for the review of the weekly payment are pending before a committee or an arbitrator agreed on by the parties, the application shall be made to such committee or arbitrator;

(b) If no proceedings for review are pending, or if proceedings for review are pending before the judge or an arbitrator appointed by him, the application shall be made to the judge.

Form 53.

(5.) Where the application is to be made to the judge, it may be made in or out of court in accordance with Rule 50; and the provisions of the said rule shall apply to the proceedings on such application, with the following modification;—

(a) The notice shall be served on the workman or his solicitor five clear days before the hearing of the application, unless the judge or registrar gives leave for shorter notice.

*Suspension of Weekly Payments pending Application for Review.*

Suspension of weekly payment pending application for review.

59. (1.) Where an application is made for an order that a memorandum of an agreement as to a weekly payment be recorded, and the employer alleges that incapacity for work has wholly or partially ceased, the judge may, on the hearing of the application, if he orders the memorandum to be recorded, order the weekly payment to be wholly or partially suspended, or to be wholly or partially paid into court, to abide the order of the court, as from the date on which the employer alleges that incapacity wholly or partially ceased, or from any later date, for such time as he may think fit, to enable the employer to file a request for arbitration with respect to the review of the weekly payment.

(2.) Where an employer intends to apply for an order of suspension or payment into court under the preceding paragraph, he shall file with the registrar notice of his intention, specifying the date on which he alleges that incapacity wholly or partially



ceased; and copies thereof shall be served in accordance with Rule 50 five clear days at least before the hearing of the application to record, unless the judge or registrar gives leave for shorter notice.

(3.) The provisions of this rule shall not prejudice the power of the judge to refuse to order a memorandum of an agreement to be recorded.

(4.) Where a request is filed for arbitration with respect to the review of a weekly payment, the judge may at any time before the hearing of the arbitration order the weekly payment to be wholly or partially suspended, or to be wholly or partially paid into court, to abide the order of the court, as from the date on which the employer alleges in his request that incapacity wholly or partially ceased, or from any later date, until the hearing of the arbitration.

(5.) An application for an order for suspension or payment into court under the last preceding paragraph shall be made in court on notice in writing; and the provisions of Rule 50 shall apply to the proceedings on such application.

(6.) An order for suspension or payment into court under this rule shall be without prejudice to the right of the workman to apply to the court, on good cause shown, to discharge the order. Any such application shall be made in court on notice in writing; and the provisions of Rule 50 shall apply to the proceedings on such application.

*Payment into Court and Investment and Application of Money payable in case of Death. Schedule I., Paragraph 5.*

60. (1.) Where any payment in the case of death is to be paid into the County Court pursuant to paragraph 5 of the first schedule to the Act, the following provisions shall have effect.

(2.) Where any money is to be paid into court under an award made by the judge or an arbitrator appointed by him, payment shall be made in accordance with the directions contained in the award.

(3.) In any other case payment shall be made into the court in which the memorandum of the decision, award, or agreement under which the money is to be paid, or the certificate under which the money is to be paid, has been or is to be recorded.

(4.) Where money is to be paid into court under this rule, the employer shall lodge with the registrar a præcipe in duplicate according to the form in the Appendix, and shall annex to one copy of the præcipe a form of receipt, and the registrar, on receipt of the sum paid in, shall sign the receipt and return the same to the employer; and the employer shall forthwith give notice to the persons interested in the sum paid in of such payment having been made.

(5.) On the payment of money into court, the registrar shall forthwith send by post to each of the persons appearing by the award, memorandum, or certificate to be interested in such money a notice of the said payment according to the form in the Appendix. Provided that in the case of infant dependants residing with their mother or guardian it shall be sufficient to send such notice to the mother or guardian only.

(6.) If all questions as to who are dependants and the amount payable to each dependant have been settled by arbitration before

Payment into court, investment, and application of payment in case of death. Act, Sched. 1, par. 5.

Form 54.

Form 58 (i.).

payment into court, the sum paid into court shall be allotted between the dependants in accordance with the award, and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the court for the benefit of the person entitled thereto in accordance with paragraph 5 of the first schedule to the Act.

(7.) If all questions as to who are dependants have been settled by agreement before payment into court, the amount payable to each dependant shall be settled by the court, and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the court for the benefit of the person entitled thereto in accordance with paragraph 5 of the first schedule to the Act.

(8.) If any such questions have not been settled before payment into court, then—

(a) If all the persons interested in the sum paid into court agree to leave the application thereof to the court, or if no question arises as to who is a dependant or as to the amount payable to any dependant, or otherwise as to the application of the sum paid into court, but any of the persons interested in the said sum are absent or under disability, the amount paid into court shall, on application by or on behalf of the persons interested therein, be allotted, invested, applied, or otherwise dealt with by the court for the benefit of the persons interested therein in accordance with paragraph 5 of the first schedule to the Act.

(b) If any question arises as to who is a dependant or as to the amount payable to any dependant, or otherwise as to the application of the sum paid into court, such question shall be settled by arbitration in accordance with the Act and these Rules; and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the court for the benefit of the person entitled thereto in accordance with paragraph 5 of the first schedule to the Act.

(9.) Where any question is settled by the court by arbitration in accordance with the last preceding paragraph, an application for the investment or application of any sum allotted to any person on such arbitration may be made at or immediately after the hearing of the arbitration.

(10.) (a) Where application is not so made, or in any other case coming within paragraph 5 of the first schedule to the Act, an application for the investment or application of the sum paid into court, or of the amount allotted to any person, may be made in court on notice in writing, stating on whose behalf the application is made, and the order which the applicant asks, according to the form in the Appendix.

(b) The notice shall be filed with the registrar, and where the application is made by or on behalf of some only of the persons interested, notice thereof shall be served on all other parties interested, or on their solicitors, five clear days at least before the hearing of the application, unless the judge or registrar gives leave for shorter notice.

(c) On the hearing of the application witnesses may be orally examined in the same manner as on the hearing of an action.

(d) On the hearing of the application the judge may, after making or directing such inquiries as to the dependants and on such evidence of title and identity as he may think necessary, make such order under paragraph 5 of the first schedule to the Act and this rule as he may think fit.

(e) The provisions of the Act and these Rules as to the costs of an arbitration shall apply to any such application.

(11.) Where any sum paid or to be paid into court is to be invested, applied, or otherwise dealt with by the court, the judge may, at any time before or on the hearing of any application for the investment or application thereof, refer the matter to the registrar for inquiry and report.

(12.) An employer paying money into court under this rule shall not be liable to any costs incurred by any person interested in such money after the receipt of notice of payment into court; but the judge may, in his discretion, order such employer to pay the costs of any such person properly incurred before the receipt of such notice.

(13.) Every order for the investment or application of money paid into court shall reserve liberty to the parties interested to apply to the court as they may be advised.

(14.) Where any sum allotted to any person under paragraph 5 of the first schedule to the Act or this rule is ordered to be paid out to or applied for the benefit of the person entitled thereto by weekly or other periodical payments, such payments may be made to the person entitled to receive the same either at the office of the registrar, or, on the written request of such person, by crossed cheque or postal order addressed to such person and forwarded by registered post letter, payment by post being in all cases at the cost and risk of the person requesting the same.

61. (1.) If there is no dispute as to the liability to pay compensation, but the amount payable has not been ascertained or decided either by a committee or by arbitration or by agreement, the employer may pay the amount which he admits to be payable as compensation into the court to which, if an agreement had been come to in the matter, a memorandum of such agreement would be sent to be recorded.

(2.) Where money is to be paid into court under this rule, the employer shall lodge with the registrar a *præcipe* in duplicate according to the form in the Appendix, containing a statement of the particulars mentioned in that form, and stating in what manner the sum admitted to be payable as compensation has been arrived at. The employer shall annex to one copy of the *præcipe* a form of receipt, according to the said form, and the registrar, on receipt of the sum paid in, shall sign the receipt and return the same to the employer; and the employer shall forthwith give notice to the persons interested in the sum paid in of such payment having been made.

(3.) On the payment of money into court under this rule the registrar shall make such inquiries and obtain such information as he may think necessary to satisfy himself whether the amount paid in is adequate in the circumstances of the case; and it shall be the duty of the employer and of the persons

Payment into court where liability admitted, but amount not ascertained.

Form 55.

interested in the money paid in to answer such inquiries and give such information accordingly.

Form 58 (ii.). (4.) Where it appears to the registrar that the amount paid in is adequate, he shall forthwith send by post to each of the persons appearing by the *præcipe* to be interested in such money a notice of the said payment according to the form in the Appendix. Provided that in the case of infant dependants residing with their mother or guardian it shall be sufficient to send such notice to the mother or guardian only.

(5.) Where it appears to the registrar that the amount paid in is inadequate, he shall make a report to the judge in writing, stating the information he has obtained and the grounds on which it appears to him that the amount paid in is inadequate.

(6.) If on consideration of the registrar's report it appears to the judge that the amount paid in is adequate, he may direct the registrar to send to the parties interested notice of payment in accordance with paragraph 4 of this rule.

Form 57. (7.) If on consideration of the registrar's report it appears to the judge that further inquiry should be made, the registrar shall send notice to the employer and to the parties appearing by the *præcipe* to be interested in the money paid into court, according to the form in the Appendix, informing them that he has referred the matter to the judge, and requiring them to attend on a day to be named in the notice, when the matter will be inquired into by the judge. On such inquiry the judge may make such order (including an order as to the money paid into court) as under the circumstances he may think just; and paragraphs 7, 8, and 10 of Rule 51 shall apply.

(8.) Where notice of payment into court is sent in accordance with paragraph 4 or paragraph 6 of this rule, then—

(a.) If any question arises as to the adequacy of the amount paid into court, the question as to the amount payable as compensation, and all questions as to who are dependants and the amount payable to each dependant, shall be settled by arbitration in accordance with the Act and these Rules; and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the court for the benefit of the person entitled thereto in accordance with paragraph 5 of the first schedule to the Act and paragraphs 9 to 11, 13 and 14 of the last preceding rule.

(b.) If no question arises as to the adequacy of the amount paid into court, the amount paid into court shall be allotted, invested, applied, or otherwise dealt with by the court in accordance with paragraphs 8 to 11, 13 and 14 of the last preceding rule.

(9.) An employer paying money into court under this rule shall not (except under paragraph 10 of Rule 51, or where a question arises as to the adequacy of the amount paid in, and such question is decided adversely to the employer by arbitration under paragraph 8 of this rule), be liable to any costs incurred by any person interested in such money after receipt of notice of payment into court; but the judge may, in his discretion, order such

employer to pay the costs of any such person properly incurred before the receipt of such notice.

62. (1.) Where a claim for compensation has been made by or on behalf of dependants, and the employer denies liability, but is willing to pay an amount in settlement of the claim, and such of the dependants as are not under disability are willing to accept such amount in settlement, the employer may pay such amount into the court to which, if an agreement had been come to in the matter, a memorandum of such agreement would be sent to be recorded.

Payment into court where liability denied.

(2.) Where money is to be paid into court under this rule, the employer shall lodge with the registrar a præcipe in duplicate according to the form in the Appendix, containing a statement of the particulars mentioned in that form. The employer shall annex to one copy of the præcipe a form of receipt according to the said form, and the registrar on receipt of the sum paid in shall sign the receipt and return the same to the employer; and the employer shall forthwith give notice to the persons interested in the sum paid in of such payment having been made.

Form 56.

(3.) On the payment of money into court under this rule, the registrar shall proceed according to paragraph 3 of the last preceding rule, and the provisions of that rule shall apply to proceedings subsequent to such payment.

*Payment into Court and Application of Weekly Payments payable to Person under Legal Disability. Schedule I.; Paragraph 7.*

63. (1.) An application under paragraph 7 of the first schedule to the Act for an order that a weekly payment payable under the Act to a person under any legal disability shall during the disability be paid into court may be made either by the person liable to make such payment, or by or on behalf of the person entitled to such payment.

Application for payment into court of weekly payment to person under legal disability. Act, Sched. 1, par. 7.

(2.) If the weekly payment is awarded by the judge, the application may be made at or immediately after the hearing of the arbitration.

(3.) In any other case the application may be made in or out of court on notice in writing, which shall be served on the other party or his solicitor five clear days at least before the hearing of the application, unless the judge or registrar gives leave for shorter notice; and the provisions of Rule 50 shall apply to any such application.

Form 60.

(4.) Where any weekly payment is ordered to be paid into court, the sums paid in shall be paid out by the registrar to or otherwise applied for the benefit of the person entitled thereto in such manner as the judge shall direct; and the provisions of Rule 60 as to the payment out or application of sums by weekly or other periodical payments shall apply.

*Application for Variation of Order under Schedule I., Paragraph 9.*

64. (1.) An application for the variation of an order of the court under paragraph 9 of the first schedule to the Act may be made by or on behalf of any person interested.

Application for variation of order. Act, Sched. 1, par. 9. Form 61.

(2.) The application shall be made in court on notice in writing, stating the circumstances under which the application is made, and the relief or order which the applicant claims.

(3.) The notice shall be filed with the registrar, and notice thereof shall be served on all persons interested in accordance with Rule 50; and the provisions of that rule and of Rule 60 shall apply to the proceedings on such application.

*Investment and Application of Lump Sum paid in Redemption of Weekly Payment. Schedule I., Paragraph 17.*

Investment and application of sums paid in redemption of weekly payments. Act, Sched. 1, par. 17.

65. Where pursuant to paragraph 17 of the first schedule to the Act a lump sum payable for the redemption of any weekly payment is ordered by a committee or an arbitrator, or by the judge, to be invested or applied for the benefit of the person entitled thereto, such sum shall be paid into court; and the provisions of paragraph 5 of the first schedule to the Act and of Rule 60 shall apply to the investment and application of such lump sum.

*Proceedings where Workman receiving Weekly Payment intends to cease to reside in United Kingdom. Schedule I., Paragraph 18.*

Where workman receiving weekly payment intends to cease to reside in United Kingdom. Act, Sched. 1, par. 18. Form 62.

66. (1.) Where a workman receiving a weekly payment intends to cease to reside in the United Kingdom, the following provisions shall have effect under paragraph 18 of the first schedule to the Act.

(2.) The workman may apply to the registrar to refer to a medical referee the question whether the incapacity of the workman resulting from the injury is likely to be of a permanent nature.

(3.) The application shall be made on notice in writing, according to the form in the Appendix, which shall be filed with the registrar, and shall be accompanied by a report of a medical practitioner selected by the workman, setting out the nature of the incapacity alleged to be the result of the injury; and a copy of the application and of the report shall be served on the employer or his solicitor in accordance with Rule 50; and the applicant shall file a copy of the application and of the report for the use of the medical referee.

(4.) The employer may, on being served with notice of the application, require the workman to submit himself for examination by a medical practitioner provided and paid by the employer, in accordance with paragraph 14 of the first schedule to the Act; and if the employer requires the workman to submit himself for such examination he shall before or at the hearing of the application furnish the workman with a copy of the report of that practitioner as to the workman's condition, and file a copy of the report for the use of the medical referee.

(5.) The workman and the employer respectively may before or at the hearing of the application submit to the registrar such statements in writing as they may think fit, with copies of such statements for the use of the medical referee.

(6.) On the hearing of the application the registrar, on being satisfied that the applicant has a *bonâ fide* intention of ceasing to reside in the United Kingdom, shall make an order referring



the question to a medical referee; and if he is not so satisfied, he may refuse to make an order, but in that case he shall, if so requested by the applicant, refer the matter to the judge, who may make such order or give such directions as he may think fit.

(7.) If the registrar or the judge makes an order referring the question to a medical referee, he shall also make an order directing the workman to submit himself for examination by the medical referee, subject to and in accordance with any regulations made by the Secretary of State; and the provisions of paragraphs 3 to 6 of Rule 57 shall with the necessary modifications apply.

Form 51.

(8.) The registrar shall with the order of reference forward to the medical referee copies of any statements submitted to him by either party.

(9.) The medical referee shall forward his certificate in the matter to the registrar by registered post, specifying therein the nature of the incapacity of the workman resulting from the injury, and whether such incapacity is likely to be of a permanent nature; and the registrar shall thereupon proceed in accordance with paragraph 8 of Rule 57.

Form 52.

(10.) Where the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature, the registrar shall on application furnish the workman

(a) with a copy of the certificate of the medical referee, sealed with the seal of the court and certified by the registrar in his own handwriting to be a true copy; and

(b) with a copy of the award, memorandum, or certificate under which the weekly payment is payable, sealed with the seal of the court and certified by the registrar in his own handwriting to be a true copy; and

(c) with a certificate of identity according to the form in the Appendix; and Form 64.

(d) with a notice according to the form in the Appendix, annexing thereto forms of certificate and declaration according to the forms in the Appendix; Forms 65, 66, 67.

and shall procure from the workman a specimen of his signature, and file the same for reference.

(11.) A workman who desires to have the weekly payments payable to him remitted to him while residing out of the United Kingdom shall at intervals of three months from the date to which such payments were last made submit himself to examination by a medical practitioner in the place where he is residing, and shall produce to him the copy of the certificate of the medical referee and the certificate of identity furnished under the last preceding paragraph, and shall obtain from him a certificate in the form in the Appendix that the incapacity of the workman resulting from the injury continues; and such certificate shall be verified by declaration by the medical practitioner, in the presence of the workman, before a person having authority to administer an oath.

Form 66.

(12.) The workman shall also make a declaration of identity according to the form in the Appendix before a person having authority to administer an oath, producing to such person the copy and certificate above mentioned, and the certificate of the medical practitioner by whom he has been examined.

Form 67.

Form 68.

(13.) The workman shall forward the certificate and declaration in the two last preceding paragraphs mentioned to the registrar, with a request, according to the form in the Appendix, for the transmission to him of the amount of the weekly payments due to him, specifying the place where and the manner in which the amount is to be remitted, which request shall be signed by the workman in his own handwriting.

(14.) On receipt of the certificate, declaration, and request the registrar shall examine the same, and may if not satisfied that the same are in order return the same for correction.

Form 69.

(15.) If the registrar is satisfied that the certificate, declaration, and request are in order, or when they are returned to him in order he shall send to the employer a notice according to the form in the Appendix, requesting him to forward the amount due; and the employer shall thereupon forward the amount to the registrar, who shall remit the same, less any fees payable to the registrar and the costs of transmission, to the workman at the address and in the manner requested by him, such remittance being in all cases at the cost and risk of the workman.

*Payment of Arrears of Weekly Payments on Death of Workman residing out of United Kingdom.*

Payment of  
arrears of  
weekly  
payments on  
death of  
workman  
residing out  
of United  
Kingdom.

67. (1.) In the event of the death of a workman in receipt of weekly payments while residing out of the United Kingdom, his representatives shall, for the purpose of obtaining payment of the arrears due to the workman, forward to the registrar a certificate of the death of the workman, and documents showing that they are entitled to such arrears, verified by declaration before a person having authority to administer an oath, with a request for payment of such arrears, specifying the place where and the manner in which the amount is to be remitted to them.

(2.) For the purposes of this rule the expression "representatives" shall mean—

- (a) if the workman leaves a will, the executors of such will; or
- (b) if the workman dies intestate, the persons who are according to law entitled to his personal estate, and payment of the arrears may be made to such persons without the production of letters of administration.

(3.) On the receipt of the certificate and documents mentioned in this rule the registrar shall examine the same, and may, if not satisfied that the same are in order, return the same for correction.

(4.) If the registrar is satisfied that the certificate and documents are in order, or when they are returned to him in order, he shall send to the employer a notice requesting him to forward the amount due, and the employer shall thereupon forward the amount to the registrar, who shall remit the same, less any fees payable to the registrar and the costs of transmission, to the representatives of the workman at the address and in the manner requested by them, such remittance being in all cases at the cost and risk of such representatives.

*The Workmen's Compensation (Anglo-French Convention) Act, 1909, and Order in Council (22nd November, 1909).*

68. Where a request for arbitration is filed by or on behalf of a workman who is a French citizen, or by or on behalf of the dependants of a deceased workman who was a French citizen, the following provisions shall apply. Special provisions as to French citizens. 9 Edw. 7. c. 16. Order in Council, 22 Nov., 1909.
69. The request and particulars shall state that the workman is or the deceased workman was a French citizen. Request and particulars.
70. The court in which proceedings are to be taken shall be determined in accordance with Rule 88 of these Rules. In what court proceedings to be taken.
71. A respondent who intends to rely as a defence on paragraph (1) of the Order in Council dated the 22nd day of November, 1909, made under the Workmen's Compensation (Anglo-French Convention) Act, 1909 (in these Rules referred to as "the Order in Council"), shall state the facts on which he intends to rely in his answer in accordance with Rule 18. Answer where respondent relies on Order in Council, par. (1).
72. Any lump sum payable in redemption of a weekly payment payable to a workman who is a French citizen, which is to be paid into court pursuant to paragraph (3) of the Order in Council, shall when so paid be invested by the registrar in the purchase of two immediate annuities of equal value on the life of and in the name of the workman from the National Debt Commissioners through the Post Office Savings Bank, the first half-yearly instalment of the first of such annuities to be payable on the second quarterly day of payment next following the day of purchase, and the first half-yearly instalment of the second of such annuities to be payable on the third quarterly day of payment next following the day of purchase. Investment in Post Office annuity of lump sum payable in redemption of weekly payment. Order in Council, par. (3).
- When applying to the Post Office Savings Bank for the purchase of any such annuities the registrar shall inform the department that the case is one under the Order in Council; and the workman shall sign such documents and furnish such evidence as may be required by the Post Office Annuity and Insurance Regulations, 1888 and 1895, to enable such annuities to be so purchased. Post Office Regulations, 1888 and 1895.
73. Where a lump sum payable in redemption of a weekly payment to a workman who is a French citizen has been paid into court, then, if the workman returns to reside in France, such sum (unless the same has been invested in pursuance of the last preceding rule) shall, on the application of the workman, be paid over by the registrar to the "Caisse Nationale Francaise des Retraites pour la Vieillesse" (in these Rules referred to as "the Caisse"). Transmission to France of lump sum payable in redemption of weekly payment to French citizen who returns to reside in France. Order in Council, par. (4). Form 70.
- Any such sum shall be transmitted by the registrar to the Caisse by registered post letter, inclosing a crossed cheque for the total sum due to the workman, and shall be accompanied by a certificate according to the form in the Appendix, and the registrar shall on the application of the workman forward to him a copy of the certificate.

Transmission to France of sum payable as compensation to dependants of French citizen who reside in or return to France. Order in Council, par. (4).

Where workman in receipt of weekly payments intends to return to reside in France. Order in Council, par. (5). Form 71.

74. Where a sum payable as compensation to the dependants of a deceased workman who was a French citizen has been paid into court, then, if the dependants resided in France at the time of the death of the workman, or subsequently return to reside in France, such sum shall, on the application of the dependants, be paid over to the Caisse.

(2.) Any such sum shall be transmitted in accordance with the last preceding rule, and the registrar shall, on the application of the dependants, forward to them a copy of the certificate.

75. (1.) Where a workman who is a French citizen is in receipt of a weekly payment, and such workman intends to return to reside in France, the following provisions shall have effect under paragraph (5) of the Order in Council.

(2.) The payments of the amount of compensation due to the workman shall be made at intervals of three months.

(3.) The workman may apply to the registrar for a certificate of a medical referee as to the nature of the incapacity resulting from the injury.

(4.) The application shall be made on notice in writing, according to the form in the Appendix, which shall be filed with the registrar; and a copy of the application shall be served on the employer in accordance with Rule 50; and the applicant shall file a copy of the application for the use of the medical referee.

(5.) The employer may, on being served with notice of the application, require the workman to submit himself for examination by a medical practitioner provided and paid by the employer, in accordance with paragraph 14 of the First Schedule to the Act; and if the employer requires the workman to submit himself for such examination he shall before or at the hearing of the application furnish the workman with a copy of the report of that practitioner as to the workman's condition, and file a copy of the report for the use of the medical referee.

(6.) The workman and the employer respectively may before or at the hearing of the application submit to the registrar such statements in writing as they may think fit, with copies of such statements for the use of the medical referee.

(7.) On the hearing of the application the registrar shall make an order referring the question to a medical referee. The order of reference shall be according to the form in the Appendix, and shall state the injury in respect of which the award was made, so far as it appears on the records of the court: and the registrar shall forward the order to the medical referee by registered post, accompanied by a copy of the application and of any reports and statements submitted to him by either party.

(8.) The registrar shall also make an order directing the workman to submit himself for examination by the medical referee, subject to and in accordance with any regulations made by the Secretary of State; and the provisions of paragraphs 5 and 6 of Rule 57 shall apply.

Form 72.

Form 51.

(9.) The medical referee shall forward his certificate in the matter to the registrar by registered post, specifying fully therein the nature of the incapacity (if any) of the workman resulting from the injury; and the registrar shall thereupon proceed in accordance with paragraph 8 of Rule 57.

Form 52.

(10.) Where the medical referee certifies that the workman is suffering from incapacity resulting from the injury, the registrar shall, on the application of the workman, made on notice in writing and served on the employer two clear days at least before the hearing of the application, fix the intervals at which the workman shall be bound to produce, in support of his demand for payment of the amount of compensation due to him, a medical certificate that the incapacity resulting from the injury continues. These certificates shall be required at such intervals, not being less than 3 months nor more than 12 months from the date to which payment was last made, as the registrar may determine, having regard to the nature of the incapacity.

Forms 73,  
74.

(11.) On the intervals being fixed, the registrar shall send a copy of the order to the workman and to the employer, and shall on application furnish the workman with

Form 74.

(a) a copy of the certificate of the medical referee, sealed with the seal of the court and certified by the registrar in his own handwriting to be a true copy;

(b) a copy of the award under which the weekly payment is payable, sealed with the seal of the court and certified by the registrar in his own handwriting to be a true copy;

(c) a certificate of identity according to the form in the Appendix; and

Form 64.

(d) a notice according to the form in the Appendix;

Form 75.

and shall procure from the workman a specimen of his signature, and file the same for reference.

(12.) For the purpose of obtaining payment of the compensation due to him, an injured workman who is a French citizen, and has returned to reside in France, shall at intervals of three months from the date to which such payment was last made produce to the mayor of the commune in which he resides the certificate of identity furnished under the last preceding paragraph, and shall obtain from the mayor a certificate that such workman was alive on the day when the certificate of identity was produced. He shall also, at the intervals fixed by the registrar, obtain from a medical practitioner employed in an official capacity in the Department in which the workman resides a certificate that the incapacity specified in the certificate of the medical referee as resulting from the injury still continues.

(13.) The certificate of the mayor mentioned in the last preceding paragraph, and, where a certificate of a medical practitioner is required under that paragraph, such certificate (which certificate or certificates must be authenticated by a *visé* of the Prefecture of the Department attesting the official status of the mayor and medical practitioner respectively), shall be forwarded, with a request for payment of the amount of the weekly payments due to the workman, to the French consular authority for the district in which the court is situated, to be by him transmitted to the registrar.

(14.) In the event of the death of a workman in receipt of weekly payments who is a French citizen residing in France, his representatives shall, for the purpose of obtaining payment of the arrears due to the workman, forward a certificate of the death of the workman and documents showing that they are entitled to such arrears, with a request for payment of such arrears, to the consular authority, to be by him transmitted to the registrar.

Form 69.

(15.) On receipt of the documents mentioned in paragraph 13 or paragraph 14 the registrar shall send to the employer a notice according to the form in the Appendix, requesting him to forward the amount due; and the employer shall thereupon forward the amount to the registrar, who shall remit the same without charge to the consular authority, to be remitted to the workman or his representatives.

### *Costs.*

Costs.  
Act, Sched  
2, par. 7.

76. (1.) Any costs of and incidental to an arbitration and proceedings connected therewith directed by a committee or by an arbitrator (whether agreed on by the parties or appointed by the judge), or by the judge, to be paid by one party to another shall, in default of agreement between the parties as to the amount of such costs, be taxed according to such one of the scales of costs applicable to actions in the County Court as the committee, arbitrator, or judge shall direct; and in default of such direction such costs shall be taxed according to the scale which would be applicable if the proceeding had been an action in the County Court: and the statutory provisions and rules for the time being in force as to the allowance and taxation of costs in such actions, and as to objections to and review of taxation by the registrar, shall apply accordingly. Proceedings in an arbitration shall be within Order LIII., Rules 7 and 8, and the word "judge" in those rules shall include a committee and an arbitrator.

Order LIII.,  
Rules 7, 8.

(2.) Where costs are directed to be taxed under Column A., a fee for advising on evidence, and allowances under Order LIII., Rules 43 and 44, to expert or scientific witnesses, and for plans, &c., may be allowed by special order of the judge, committee, or arbitrator, in like manner as if costs had been directed to be taxed under Column B.

(3.) Where the subject matter of an arbitration is not a capital sum, the committee, arbitrator, or judge shall determine what, for the purpose of the allowance and taxation of costs, shall be considered to be the amount of the subject matter of the arbitration; and in default of such determination the amount shall be fixed by the registrar by whom the costs are to be taxed, subject to review by the judge.

(4.) Where proceedings are taken for which no provision is made by these Rules or by the scales of costs, reasonable costs may be allowed in respect of such proceedings by the registrar, subject to review by the judge, or by special order of the judge, not exceeding those which may under the scales be allowed in respect of proceedings of a like nature.

(5.) The committee, arbitrator, or judge, in dealing with the question of costs, may take into consideration any offer of compensation proved to have been made on behalf of the employer.

(6.) Where any workman is examined by a medical referee on a reference under paragraph 15 of the first schedule to the Act, and the certificate of the referee is used in any subsequent arbitration, any reasonable travelling and other expenses incurred by the workman in obtaining such certificate (if not otherwise provided for) may, by order of the committee, arbitrator, or judge, be allowed as costs in the arbitration.

(7.) Where a workman is ordered to submit himself for examination by a medical referee appointed to report under paragraph 15 of the second schedule to the Act, any reasonable expenses incurred by such workman in travelling to attend on such referee for examination may, by order of the committee, arbitrator, or judge, be allowed as costs in the arbitration.

77. Where any costs are awarded by a committee or an arbitrator agreed on by the parties, it shall be the duty of the registrar of the court in which a memorandum of the decision of the committee or arbitrator is recorded pursuant to paragraph 9 of the second schedule to the Act, on application made to him, to tax such costs, and to enter in the register the amount of such costs allowed on taxation; and such entry shall be deemed to be part of such memorandum, and shall be enforceable accordingly.

Taxation of costs awarded by committee or arbitrator agreed on by parties.

#### *Review of Taxation by Judge.*

78. (1.) An application to the judge to review any taxation of costs shall be made on notice in writing, which shall be served on the opposite party two clear days at least before the hearing of the application, unless the judge or registrar gives leave for shorter notice.

Review of taxation.

(2.) Such application shall be heard and determined upon the evidence which has been brought in before the registrar, and no further evidence shall be received on the hearing thereof unless the judge otherwise directs.

(3.) The costs of and incident to the application shall be in the discretion of the judge.

(4.) The result of such review shall be entered in the register.

#### *Authority of Solicitor to receive Sum paid in respect of Costs.*

79. Where any party to whom costs are awarded acts by a solicitor, such solicitor shall have the same authority to take out of court or receive any sum paid into court or payable in respect of such costs by the party against whom such costs are awarded as he would have if such costs were awarded in an action.

As to authority of solicitor to receive costs payable by adverse party.

#### *Costs of Solicitor or Agent under Schedule II., Paragraph 14.*

80. (1.) The following provisions shall apply to an application under paragraph 14 of the second schedule to the Act for the determination of the amount of costs to be paid to the solicitor or agent of a person claiming compensation under the Act.

Application to determine costs payable to solicitor or agent. Act, Schedule 2, par. 14.

(2.) Where the sum awarded as compensation has been awarded by a committee or an arbitrator agreed on by the parties, the application shall be made to such committee or arbitrator.



(3.) Where the sum awarded as compensation has been awarded by the judge or by an arbitrator appointed by him, the application may be made—

- (a) to the judge or arbitrator at or immediately after the hearing of the arbitration: or
- (b) at a subsequent date, but in that case it shall be made only to the judge.

(4.) Where a sum has been agreed on as compensation, the application shall be made to the judge.

(5.) An application made to the judge, other than an application under paragraph 3 (a) of this rule, shall be made in court on notice in writing in accordance with Rule 50.

Form 76.

(6.) Such notice shall be served on the person for whom the solicitor or agent acted in accordance with the said rule, and the provisions of the said rule shall apply to the proceedings on such application.

(7.) On the hearing of any application under this rule, the committee, arbitrator, or judge may award costs to the solicitor or agent, and may make an order declaring such solicitor or agent to be entitled to recover such costs from the person for whom he acted, or to be entitled to a lien for such costs on any sum awarded as compensation to such person, or to be entitled to deduct such costs from any such sum, or may make such order or give such directions as may be just.

(8.) Any costs awarded to a solicitor or agent on any such application shall, in default of agreement between the parties as to the amount of such costs, be taxed according to such one of the scales of costs applicable to actions in the County Court as the committee, arbitrator, or judge shall direct; and in default of such direction such costs shall be taxed according to the scale which would be applicable if the proceeding had been an action in the County Court; and the statutory provisions and rules for the time being in force as to the allowance and taxation of costs in such actions, and as to objections to and review of taxation by the registrar, shall apply accordingly; and any taxation shall be subject to review by the judge according to Rule 78.

(9.) Where the subject matter of the arbitration is not a capital sum, the committee, arbitrator, or judge shall determine what, for the purpose of the allowance and taxation of such costs, shall be considered to be the amount of the subject matter of the arbitration; and in default of such determination the amount shall be fixed by the registrar by whom the costs are to be taxed, subject to review by the judge.

Provisions  
as to order  
declaring  
lien, &c.

81. Where an order is made by a committee, arbitrator, or judge awarding costs to a solicitor or agent, and declaring such solicitor or agent to be entitled to recover such costs from the person for whom he acted, or to be entitled to a lien for such costs on any sum awarded or agreed as compensation, or to be entitled to deduct such costs from any such sum, the following provisions shall apply:—

- (a) The registrar shall, on application made to him, tax such costs.
- (b) A copy of the order, and, when the amount to which such solicitor or agent is entitled has been ascertained by taxation,

a memorandum of such amount, shall, at the request and cost of the solicitor or agent, be issued by the registrar for service on the party liable to pay the sum awarded or agreed as compensation; and service thereof may be effected on such party in accordance with Rule 16.

- (c) A memorandum of such order, and when such amount has been ascertained a memorandum of such amount, shall be recorded in the register in which the memorandum or award under which the sum awarded as compensation is payable is recorded, and such last mentioned memorandum or award shall have effect subject to such order and memorandum.
- (d) The party liable to pay such compensation shall on demand pay to the solicitor or agent the amount to which he is entitled, but so that such party shall not be liable to pay any amount in excess of that which he is liable to pay for compensation, or to pay such amount by any other instalments than those by which he is liable to pay such compensation.
- (e) If the party liable to pay such compensation fails on demand to pay any amount which he is liable to pay to such solicitor or agent, the judge may, on application made to him on notice to such party in accordance with Rule 50, and on proof of the order having been served on and demand for payment made to such party, order such party to pay such sum; and in default of payment the judge may order execution to issue to levy such amount.
- (f) Payment made by or execution levied on the party liable to pay such compensation shall be a valid discharge to him, as against the party entitled to such compensation, to the amount paid or levied.
- (g) Where the sum awarded as compensation has been paid into court, the amount to which the solicitor or agent is entitled shall be paid to him out of such sum.

#### *Execution.*

82. (1.) Where a party liable to pay compensation or costs under any award, memorandum, or certificate has made default in payment of the amount awarded, or where payment is to be made by instalments, of any instalment, the party entitled to such compensation or costs may apply to the court for leave to issue execution against the goods of the party in default.

(2.) An application for leave to issue execution shall be made on notice in writing in accordance with the county court rules as to interlocutory applications.

(3.) Where the application is made to the registrar he may, if no cause is shown to the contrary, and no proof of the amount in payment of which default has been made, give leave for execution to issue.

(4.) If cause is shown to the contrary, or if the registrar is in doubt as to the proper order to be made, he may refer the matter to the judge, who may make such order or give such directions as may be just.

(5.) In particular, if in the case of a weekly payment the party liable to execution alleges that incapacity has wholly or partially ceased, the judge may, on such terms as to payment into court or otherwise as may be just, adjourn the application for such time

Execution-  
Form 77.

as he may think fit, to enable the party liable to execution to file a request for arbitration with respect to the review of the weekly payment. Any such adjournment shall be without prejudice to the right of the party applying for leave to issue execution to renew his application on good cause shown.

Order XXV.,  
Rule 11.

(6.) Where the parties liable to pay compensation or costs are a firm, the provisions of Order XXV., Rule 11, shall with the necessary modifications apply to execution under this rule.

*Proceedings under Debtors Act, 1869, Section 5.*

Proceedings  
under  
Debtors  
Act, 1869.  
32 & 33 Vict.  
c. 62. s. 5.

83. (1.) Where proceedings by way of judgment summons under section 5 of the Debtors Act, 1869, are taken against a party liable to pay compensation or costs under any award, memorandum, or certificate, who has made default in payment of the amount awarded, or, where payment is to be made by instalments, of any instalment, the County Court Rules for the time being in force as to the committal of judgment debtors shall, with any necessary modifications, apply to such proceedings; Provided, that the court shall not alter the terms or mode of payment of any sum to become payable in future under any award, memorandum, or certificate, otherwise than by consent, or under paragraph 16 of the first schedule to the Act.

(2.) Where the amount in payment of which default has been made is not payable into court, the party applying for a judgment summons shall satisfy the court, by affidavit or otherwise, as to the amount in payment of which default has been made.

Form 78.

(3.) A judgment summons issued under this rule shall be according to the form in the Appendix.

(4.) Where the parties liable to pay compensation or costs are a firm, the provisions of the County Court Rules as to judgment summonses on a judgment or order against a firm shall, with the necessary modifications, apply to proceedings by way of judgment summons under this rule.

*Other Proceedings for Enforcement of Award, Memorandum, or Certificate.*

Other pro-  
ceedings for  
enforcement  
of award, &c.

84. The County Court Rules for the time being in force as to proceedings for the enforcement of or the recovery of money due under judgments or orders of the County Court otherwise than by execution or committal shall, with the necessary modifications, apply to proceedings for the enforcement of or the recovery of money due under any award, memorandum, or certificate.

*Setting aside Award or Order improperly obtained.*

Rules as to  
new trials  
not to apply.

85. (1.) Notwithstanding anything in these Rules contained, the statutory provisions and rules relating to new trials in actions in the County Court shall not apply to arbitrations under the Act.

When award  
or order may  
be set aside  
or varied.

(2.) Where the judge is satisfied—

- (a) that any award, or any order as to the application of any amount awarded or agreed upon as compensation, made by the judge or by an arbitrator appointed by him, has been obtained by fraud or other improper means; or
- (b) that any person has been included in any award or order as a dependant who is not in fact a dependant as defined by the Act; or
- (c) that any person who is in fact a dependant as defined by the Act has been omitted from any award or order,

the judge may set aside or vary the award or order, and may make such order (including an order as to any sum already paid under the award or order) as under the circumstances he may think just.

(3.) An application to set aside or vary an award or order under this rule shall be made in court on notice in writing, and the provisions of Rule 50 shall apply to the proceedings on such application.

(4.) An application to set aside or vary an award or order under this rule shall not be made after the expiration of six months from the date of the award or order, except by leave of the judge; and such leave shall not be granted unless the judge is satisfied that the failure to make the application within such period was occasioned by mistake, absence from the United Kingdom, or other reasonable cause.

### *Appeals.*

86. Appeals under paragraph 4 of the second schedule to the Act shall be had in accordance with the provisions of the Rules of the Supreme Court relating thereto.

Appeals.  
Act, Sched.  
2, par. 4.

87. (1.) When the Court of Appeal has given judgment on any appeal, any party may deposit the order of the Court of Appeal, or an office copy thereof, with the registrar: and the registrar shall file such order or copy, and shall transmit a copy thereof to the judge: and such order shall have the same effect as if it had been a decision of the judge.

Deposit of  
order of  
Court of  
Appeal with  
registrar,  
and  
procedure  
thereon.

(2.) If such order has the effect of an award, decision, or order in the matter in favour of any party, such order shall be served and recorded, and may be proceeded on, in the same manner as if it had been an award, decision, or order of the judge.

(3.) If such order be to the effect that an award be made or a decision given or order made in favour of any party, the judge shall make such award or give such decision or make such order accordingly.

(4.) If such order directs or involves a re-hearing or further hearing of an arbitration or special case or other matter, the judge shall as soon as conveniently may be appoint a day and hour for such re-hearing or further hearing, and shall instruct the registrar to give notice thereof forthwith to the parties.

(5.) Generally the judge shall make such award or give such decision or make such order and give such directions and take or direct to be taken such proceedings in the matter, as may be necessary to give effect to the order of the Court of Appeal.

### *In what Court Proceedings may be taken.*

88. (1.) Any matter which under the Act or these rules is to be done in a county court, or by to or before the judge or registrar of a county court, shall be done in the county court, or by to or before the judge or registrar of the county court,

In what  
Court pro-  
ceedings may  
be taken.  
Act, Sched.  
2, par. 11.

(i) of the district in which all the parties concerned reside; or

(ii) if the parties concerned reside in different districts,

(a) of the district in which the accident out of which the matter arose occurred; or

(b) in the case of any such workman as in paragraph 1 of Rule 41 mentioned, of the district in which the workman

was last employed in the employment to the nature of which the disease was due; or

(c) if the accident out of which the matter arose occurred at sea,

(1) of the district in which the ship shall be when the matter is to be done; or

(2) of the district comprising the port of registry of the ship; or

(3) of the district in which the workman or the dependants of the workman by whom or on whose behalf the matter is to be done, or some or one of them, resides or reside;

without prejudice to any transfer in manner provided by these Rules.

Detention of ships.

5 Edw. 7. c. 10.

Act, sect. 11.

Proceedings against persons giving security.

5 Edw. 7. c. 10.

Act, sect. 11.

(2.) An application for an order for the detention of a ship may, subject to the provisions of the rules for the time being in force under the Shipowners' Negligence (Remedies) Act, 1905, be made to the judge of any court.

(3.) Where proceedings by way of arbitration for the recovery of compensation are taken against the persons giving security pursuant to the Shipowners' Negligence (Remedies) Act, 1905, or section 11 of the Act and Rules 39 and 40, such proceedings may be commenced

(i) in the county court of the district in which all the parties concerned reside; or

(ii) if the parties concerned reside in different districts,

(a) in the county court of the district in which the accident occurred; or

(b) if the accident occurred at sea,

(1) in the county court of the district in which the vessel is or was detained, or in which the order for detention was made or applied for; or

(2) in the county court of the district in which the workman or the dependants of the workman, or some or one of them, resides or reside;

without prejudice to any transfer in manner provided by these Rules.

*Proceedings in one Court as to subject-matter of Award, Memorandum or Certificate recorded in another Court.*

Filing of certified copy of memorandum, &c. recorded in one court under Act, sched. 2, par. 9, before taking subsequent proceedings in another court.

89. Where an award, or a memorandum under paragraph 9 of the second schedule to the Act, or a certificate under sub-section 4 of section 1 of the Act, has been recorded in any court, and any party desires to take any subsequent proceedings with reference to the subject-matter of such award, memorandum, or certificate in any other court, he shall before taking such proceedings obtain from the registrar of the first-mentioned court a certified copy of such award, memorandum, or certificate, and shall file the same in the court in which he desires to take proceedings, and the registrar of such last-mentioned court shall record the same as if it had been an award made in the court.

*Transfer of Proceedings.*

Transfer.

90. If the judge is satisfied by any party to any matter under the Act pending in his court that such matter can be more

conveniently proceeded with in any other court in England, Scotland, or Ireland, he may order such matter to be transferred to such other court; and thereupon the registrar shall forthwith transmit by registered post to the registrar of the court to which such matter is transferred all original documents filed in such matter, and a certified copy of all records made with reference to such matter, and shall transfer to such last-mentioned court any money invested in his name as registrar: and thenceforth such matter shall be proceeded with in the court to which it is transferred in the same manner as if it had originally been commenced therein. The provisions of Order VIII., Rule 9, shall apply to any such transfer or application for a transfer.

Order VIII.,  
Rule 9.

*Transfer of Money paid into Court.*

91. (1.) The provisions of the last preceding rule shall apply to the transfer of money paid into court from one court to another pursuant to paragraph 6 of the first schedule to the Act or otherwise, and to proceedings with respect to the application of such money.

Transfer of  
money paid  
into court.  
Act, Sched. 1,  
par. 6.

(2.) Where any money ordered to be transferred from one court to another is invested in the Post Office Savings Bank in the name of the registrar, such money shall be transferred into the name of the registrar of the court to which the money is ordered to be transferred in accordance with regulations to be made by the Postmaster-General with the consent of the Treasury: and where any money ordered to be transferred is not so invested it shall forthwith be so invested, and shall when invested be transferred in accordance with this rule.

*Filing and Service of Documents and Notices.*

92. (1.) Where any document is to be filed with the registrar under these Rules, that document may be so filed by delivering it at the office of the registrar, or by sending it by post addressed to the registrar at his office.

(2.) Where any document is to be so filed, there shall be filed with the original document as many copies of the document as there are persons to whom copies of the document or any part thereof are to be sent by the registrar, and in addition a copy for the use of the judge or arbitrator.

(3.) Where any document is under these Rules to be sent to any person by the registrar, that document may be sent by post.

(4.) Any proceeding, document, or notice which is under these Rules to be served on any party may be served on such party by the opposite party or his solicitor; and where no special provision as to the mode of service is made by these Rules, any such proceeding, document, or notice may be served on such party, or where he acts by a solicitor, on his solicitor, in manner provided by sub-sections 3 and 4 of section 2 of the Act with reference to service of notice in respect of an injury; and the provisions of Order LIV., Rule 2, shall apply to the service of any such proceeding, document, or notice.

Act, sect. 2,  
sub-sects. 3,  
4.  
Order LIV.  
Rule 2.

*Procedure Generally.*

Provisions as to parties acting by solicitors, and as to substituted service and notice in lieu of service.  
Order XXIII., Rule 4 ;  
Order LIV., Rules 1, 3 to 6 ; Order VII., Rule 40.  
Rules 7 and 35 to apply to all proceedings under Act and Rules.  
Proceedings where Crown a party.

93. The provisions of Order XXIII., Rule 6, Order LIV., Rules 1 and 3 to 6, and Order VII., Rule 40, as to parties acting by solicitors, and as to substituted service and notice of lieu of service, shall apply to proceedings under the Act.

94. Rules 7 and 35 shall apply to all proceedings under the Act and these Rules in the like manner as to proceedings by way of arbitration.

95. (1.) In any proceedings under the Act or these Rules arising out of an injury to a workman employed by or under the Crown, in which, if the employer were a private person, such employer would be a necessary party, the head of the department by in or under which the workman was employed, or, where the department is administered by a Board or by Commissioners, such Board or Commissioners, shall be made a party under his or their official title as representing the Crown.

(2.) In any such case any proceeding, document, or notice to be served on the head of the department, or on the Board or Commissioners, may be served on the permanent secretary to the department, subject to the provisions of these rules as to service on parties acting by solicitors.

96. Where any matter or thing is not specially provided for under these Rules, the same procedure shall be followed and the same provisions shall apply, as far as practicable, as in a similar matter or thing under the County Courts Act, 1888, and the rules made in pursuance of that Act, in so far as such procedure and provisions are applicable to proceedings by way of arbitration.

*Record of Proceedings.—Special Register.*

Record of proceedings before judge or arbitrator.  
Special register.  
Form 79.

97. Proceedings under the Act before the judge or an arbitrator appointed by him shall be recorded in the books of the court in the manner in which other proceedings in the court are recorded ; and the registrar shall also keep a special register for the purposes of the Act, in which he shall record—

- (1.) A memorandum of every application made to the judge for the settlement of any matter by arbitration ;
- (2.) A memorandum of every appointment of an arbitrator to settle any such matter made by the judge ;
- (3.) A memorandum of every proceeding taken in any arbitration before the judge or an arbitrator appointed by him prior to the award ;



- (4.) A memorandum of every appointment of a medical referee by the judge or arbitrator, and of his report, and if a medical referee is summoned or requested to attend any proceeding in the arbitration, of such summons or request and attendance;
- (5.) A memorandum of every award made by the judge, or by an arbitrator appointed by him;
- (6.) A memorandum of every special case submitted to the judge, and of the proceedings and order thereon;
- (7.) A memorandum of every judgment given by the Court of Appeal on any appeal;
- (8.) A memorandum of every application to the court for the examination of an employer pursuant to Rule 37, paragraph 2, and of the order and proceedings thereon;
- (9.) A memorandum of every application to the court for the detention of a ship pursuant to section 11 of the Act and Rules 39 and 40, and of the order and subsequent proceedings thereon;
- (10.) A memorandum of every application to the judge for the appointment of an arbitrator in case of the death or refusal or inability to act of an arbitrator agreed on by the parties, and of the proceedings and order thereon;
- (11.) A copy of every memorandum sent to the registrar pursuant to paragraph 9 of the second schedule to the Act, and of the report (if any) of the medical referee annexed thereto, with a note stating whether such memorandum was recorded without further proof, or after inquiry, or by order of the judge;
- (12.) If such memorandum is recorded after inquiry, a memorandum of the inquiries made and of the result thereof;
- (13.) If such memorandum is recorded by order of the judge, a memorandum of the application to the judge, and of the order made thereon;
- (14.) If in the case of a memorandum of an agreement the registrar refers the matter to the judge, a memorandum of such reference, and of the directions of the judge, and the subsequent proceedings and order thereon;
- (15.) A memorandum of the result of every taxation or review of taxation of costs under any such memorandum, or under any award or order;
- (16.) A memorandum of every application to rectify the register in respect of any memorandum, and of the proceedings and order thereon;
- (17.) A memorandum of every application or report with reference to the removal of the record of a memorandum of an agreement from the register, and of the subsequent proceedings and order thereon;
- (18.) A memorandum of every application to the judge or arbitrator, under paragraph 14 of the second schedule to the Act, to determine the amount of costs to be paid to a solicitor or agent, and of the proceedings and order thereon, and of the result of any taxation or review of taxation under such order;

- (19.) A copy of every certificate under subsection 4 of section 1 of the Act given by the court or sent to the registrar from any other court;
- (20.) A memorandum of every proceeding taken in the court for the enforcement of any award, order, memorandum, or certificate, and of the result of such proceeding;
- (21.) A memorandum of every application to refer a matter to a medical referee pursuant to paragraph 15 of the first schedule of the Act, and of the order and subsequent proceedings thereon;
- (22.) A memorandum of every application to the court for the suspension of the right to compensation or to take or prosecute any proceedings under the Act in relation to compensation, or of the right to weekly payments, and of the proceedings and order thereon;
- (23.) A memorandum of every sum paid into court pursuant to paragraph 5 of the first schedule to the Act, or under any award, memorandum, or certificate;
- (24.) A memorandum of every application made to the court with reference to any such sum, and of every order made on such application, and of the manner in which such sum is invested, applied, or disposed of;
- (25.) A memorandum of every application for the payment of any weekly payment into court, and of the proceedings and order thereon, and of the directions given as to the payment out or application of any such weekly payment;
- (26.) A memorandum of every application for variation of an order of the court as to the apportionment, investment, or application of any sum paid as compensation, and of the proceedings and order thereon;
- (27.) A memorandum of every application to refer a matter to a medical referee pursuant to paragraph 18 of the first schedule to the Act in the case of a workman intending to cease to reside in the United Kingdom, and of the order and the proceedings thereon; and of every certificate and declaration of identity and request for payment received from such workman, and of the proceedings thereon;
- (28.) A similar memorandum as to the investment or transmission to France of any sum payable in redemption of a weekly payment to a workman who is a French citizen, or of any sum payable as compensation to the dependants of a deceased workman who was a French citizen, or of the proceedings where a workman who is a French citizen is in receipt of a weekly payment and intends to return to France;
- (29.) A memorandum of every application to set aside or vary an award or order under Rule 85, and of the proceedings and order thereon;
- (30.) A memorandum of every certified copy given pursuant to Rule 89, or a copy of every certified copy filed pursuant to that rule;
- (31.) A memorandum of every application for transfer, and of the order thereon, and the proceedings under such order;
- (32.) A memorandum of the transmission of documents and certified copies pursuant to paragraph 11 of Rule 39 or paragraphs (iii.) or (iv.) of Rule 40;

- (33.) A memorandum of the transfer of any money paid into court to any other court;
- (34.) The like memorandum as to every matter transferred, or document or certified copy transmitted or money transferred to the court, as would have been recorded as to such matter, document, or money if it had been originally commenced and prosecuted in or transmitted to or paid into the court;
- (35.) A memorandum of any other matter which the judge shall order to be recorded with reference to any matter brought into or proceeding taken in the court under the Act.

*Summoning of and References to Medical Referees.*

98.—(1.) Where a medical referee is summoned as an assessor, or any matter is referred to a medical referee, the medical referee to be summoned or to whom the matter is to be referred shall in the absence of special circumstances be one of those appointed by the Secretary of State for the area comprising the district of the court in which the arbitration is pending or the case arises.

Summoning of and references to medical referees.

Provided that if any medical referee has been specially appointed, whether for that area or otherwise, for the purpose of dealing with any specified case or class of cases, the registrar in any such case shall summon, or the matter shall be referred to, the medical referee so appointed.

Provided also, that where a medical referee has been previously summoned as an assessor, or there has been a previous reference in any case, any subsequent summons or reference in the same case shall, if possible, be sent or made to the same referee, and shall in any case be accompanied by the previous report or certificate (if any) of the medical referee, or by a copy thereof.

(2.) Where a medical referee is summoned as an assessor, or any matter is referred to a medical referee, such referee shall be summoned or the matter shall be referred subject to and in accordance with any regulations made by the Secretary of State and the Treasury; and any such regulations shall, so far as they affect the County Court or an arbitrator appointed by the judge of the County Court, and proceedings in the County Court or before any such arbitrator, have effect as Rules of Court.

Regulations of Secretary of State and Treasury.

(3.) In particular, if such regulations as in the preceding paragraph mentioned provide that an employer or a workman who desires any matter to be referred to a medical referee under paragraph (f) of subsection 1 of section 8 of the Act shall apply to the registrar of a county court for the matter to be so referred, it shall be the duty of the registrar to refer the same in accordance with such regulations.

References under Act, s. 8 (1) (f).

(4.) The registrar shall keep a record in the form prescribed by regulations made by the Secretary of State of all cases in which medical referees are summoned as assessors or matters are referred to medical referees, and shall forward a copy of the same to the Secretary of State at such times as may be prescribed by such regulations.

Record and returns as to references.

*Matters, how distinguished.*

Matters,  
how distin-  
guished.

99. Every matter brought into the court under the Act shall be intitled in the matter of the Act, and shall be distinguished by a separate number; and all documents filed and subsequent proceedings taken in the court with reference to such matter shall be intituled in like manner, and shall be distinguished by the same number; and the entries made in the special register with respect to each such matter shall be entered together, and shall be kept separate from the entries with respect to any other matter.

*Forms.*

Forms in  
Appendix or  
like forms  
may be used.

100. The forms in the Appendix, where applicable, and where they are not applicable forms of the like character, with such variations as the circumstances may require, may be used in proceedings under the Act.

*Supply and filling up of Forms.*

Supply of  
forms.

101. (1.) The registrar of any court may apply to the Treasury for any of the forms required to be used by parties to proceedings in court under the Act notwithstanding that such forms are marked on the Appendix as "not to be printed," and if such application is granted may obtain such forms and supply them without charge for the use of parties to such proceedings.

Filling up of  
forms.

(2.) Where any party to any proceeding is illiterate, and unable to fill up any form required to be used, it shall be the duty of the registrar or his clerk to fill up such form.

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APPENDIX.

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FORM 1.

*Application for Arbitration by Injured Workman with respect to the Compensation payable to him.*

Rule 9.

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_  
In the matter of the Workmen's Compensation Act, 1906.  
No. of Matter \_\_\_\_\_  
In the matter of an Arbitration between \_\_\_\_\_

A.B.

of (address)  
(description)

Applicant,

and

C.D. & Co., Limited,  
of (address)  
(description)

Respondent.

1. On the \_\_\_\_\_ day of \_\_\_\_\_ personal injury by accident arising out of and in the course of his employment was caused to A.B. a workman employed by C.D. & Co., Limited, [or by \_\_\_\_\_, a contractor with C.D. & Co., Limited, for the execution of work undertaken by them].

2. A question has [or Questions have] arisen

[here state the questions, specifying only those which have arisen; e.g.]—

(a) as to whether the said A.B. \_\_\_\_\_ is a workman to whom the above-mentioned Act applies: or

(b) as to the liability of the said C.D. & Co., Limited, \_\_\_\_\_ to pay compensation under the above-mentioned Act in respect of the said injury: or

(c) as to the amount [or duration] of the compensation payable by the said C.D. & Co., Limited, \_\_\_\_\_ to the said A.B. under the above-mentioned Act in respect of the said injury.

[or as the case may be.]

3. An arbitration under the above-mentioned Act is hereby requested between the said A.B. and the said C.D. & Co., Limited, for the settlement of the said question [or questions].

4. Particulars are hereto appended [or annexed].

#### PARTICULARS.

1. Name and address of applicant.

2. Name, place of business, and nature of business of respondent.

3. Nature of employment of applicant at time of accident, and whether employed under respondent or under a contractor with him. [If employed under a contractor who is not a respondent, name and place of business of contractor to be stated.]

4. Date and place of accident, nature of work on which workman was then engaged, and nature of accident and cause of injury.

5. Nature of injury.

6. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity.

7. Average weekly earnings during the 12 months previous to the injury, if the applicant has been so long employed under the employer by whom he was immediately employed, or if not, during any less period during which he has been so employed.

8. Average weekly amount which the applicant is earning or is able to earn in some suitable employment or business after the accident.

9. Payment, allowance or benefit received from employer during the period of incapacity.

10. Amount claimed as compensation.

11. Date of service of statutory notice of accident on respondent, and whether given before workman voluntarily left the employment in which he was injured. [A copy of the notice to be annexed.]

12. If notice not served, reason for omission to serve same.

The names and addresses of the applicant and his solicitor are:

Of the Applicant,

Of his Solicitor,

The name and address of the respondent to be served with this application are:

Dated this                      day of

(Signed)

Applicant.

[Or

Applicant's Solicitor.]

## FORM 2.

*Application for Arbitration by or on behalf of Dependants of Deceased Workman, with respect to the Compensation payable in respect of the Injury to such Dependants, where Death has resulted from an Injury to the Workman, and the Settlement of Questions as to who are Dependants, and the Apportionment and Application of such Compensation.*

Rule 9.

In the County Court of

holden at

In the matter of the Workmen's Compensation Act, 1906.

No. of Matter

In the matter of an Arbitration between

E.F.

of (address)  
(description)

Applicant,

and

C.D. & Co., Limited,  
of (address)  
(description)  
and

G.H.

of (address)  
(description)

Respondents.

[or as the case may be; see Rule 4.]

1. On the \_\_\_\_\_ day of \_\_\_\_\_ personal injury by accident arising out of and in the course of his employment was caused to A.B. \_\_\_\_\_, late of \_\_\_\_\_, deceased, a workman employed by C.D. & Co., Limited, [or by \_\_\_\_\_ a contractor with C.D. & Co., Limited, for the execution of work undertaken by them], and on the \_\_\_\_\_ day of \_\_\_\_\_ the death of the said A.B. \_\_\_\_\_ resulted from the injury.

2. A question has [or Questions have] arisen

[here state the questions, specifying only those which have arisen; e.g.]—

- (a) as to whether the said A.B. \_\_\_\_\_ was a workman to whom the above-mentioned Act applied; or
- (b) as to the liability of the said C.D. & Co., Limited, to pay compensation under the above-mentioned Act to the dependants of the said A.B. \_\_\_\_\_ in respect of the injury caused to them by the death of the said A.B. \_\_\_\_\_; or
- (c) as to the amount of compensation payable by the said C.D. & Co., Limited, to the dependants of the said A.B. \_\_\_\_\_ under the above-mentioned Act in respect of the injury caused to them by the death of the said A.B. \_\_\_\_\_; or
- (d) as to who are dependants of the said A.B. \_\_\_\_\_ within the meaning of the above-mentioned Act; or
- (e) as to the apportionment and application of the compensation payable by the said C.D. & Co., Limited, to the dependants of the said A.B. \_\_\_\_\_ in respect of the injury caused to them by the death of the said A.B. \_\_\_\_\_

[or as the case may be.]

3. An arbitration under the above-mentioned Act is hereby requested between E.F. \_\_\_\_\_, the legal personal representative of the said A.B. \_\_\_\_\_,

A.B. \_\_\_\_\_, acting on behalf of the dependants of the said A.B. \_\_\_\_\_ [or between E.F. \_\_\_\_\_, a dependant of the said A.B. \_\_\_\_\_] and the said C. D. & Co. Limited, \_\_\_\_\_ and G.H. \_\_\_\_\_, who claims or may be

entitled to claim to be a dependant of the said A.B. \_\_\_\_\_,

[or as the case may be; see Rule 4.]  
for the settlement of the said question [or questions].

4. Particulars are hereto appended [or annexed].

## PARTICULARS.

1. Name and late address of deceased workman.

2. Name, place of business, and nature of business of respondent from whom compensation is claimed.

3. Nature of employment of deceased at time of accident, and whether employed under respondent or under a contractor with him. *[If employed under a contractor who is not a respondent, name and place of business of contractor to be stated.]*

4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident and cause of injury.

5. Nature of injury to deceased, and date of death.

6. Earnings of deceased during the 3 years next preceding the injury, if he had been so long in the employment of the employer by whom he was immediately employed, or if the period of his employment had been less than the said 3 years, particulars of his average weekly earnings during the period of his actual employment under the said employer.

7. Amount of weekly payments (if any) made to deceased under the Act, and of any lump sum paid in redemption thereof.

8. Name and address of applicant for arbitration.

9. Character in which applicant applies for arbitration, *i.e.*, whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.

10. Particulars as to dependants of deceased by whom or on whose behalf the application is made, giving their names and addresses, and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were wholly or partially dependent on the earnings of the deceased at the time of his death.

11. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses, and descriptions and occupations (if any).



PARTICULARS—*continued.*

12. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied.

13. Date of service of statutory notice of accident on respondent from whom compensation is claimed, and whether given before deceased voluntarily left the employment in which he was injured. [*A copy of the notice to be annexed.*]

14. If notice not served, reason for omission to serve same.

The names and addresses of the applicant and his solicitor are:

Of the Applicant,

Of his Solicitor,

The names and addresses of the respondents to be served with this application are:

C.D. & Co., Limited,

G.H.,

Dated this                      day of

(Signed)

Applicant.

[Or

Applicant's Solicitor.]

## FORM 3.

## Rule 9.

*Application for Arbitration as to who are Dependants, or as to the Amount payable to each Dependant, where the total amount Payable as Compensation to the Dependants of a Deceased Workman has been agreed or ascertained.*

In the County Court of

holden at

In the matter of the Workmen's Compensation Act, 1906.

No. of Matter

In the matter of an Arbitration between

E.F.

of (address)  
(description)

Applicant,

and

C.D. & Co., Limited,

of (address)  
(description)

and

G.H.,

of (address)  
(description)

J.K.,

of (address)  
(description)

and

L.M.,

of (address)  
(description)

Respondents.

[or as the case may be; see Rule 5.]

1. On the                      day of                      personal injury by accident arising out of and in the course of his employment was caused to A.B.                      , late of                      , deceased, a workman employed by C.D. & Co., Limited,                      , [or by                      , a contractor with C.D. & Co., Limited, for the execution of work undertaken by them,] and on the                      day of the death of the said A.B.                      resulted from the injury

2. The amount of compensation payable by the said C.D. & Co., Limited, to the dependants of the said A.B. under the above-mentioned Act in respect of the injury caused to them by the death of the said A.B. has been agreed [or ascertained], but a question has [or questions have] arisen

[here state the questions, specifying only those which have arisen; e.g.]—

(a) as to who are dependants of the said A.B. within the meaning of the above-mentioned Act; or

(b) as to the apportionment and application of the compensation payable to the dependants of the said A.B.

[or as the case may be.]

3. An arbitration under the above-mentioned Act is hereby requested between E.F., the legal personal representative of the said A.B.

, acting on behalf of N.O. P.R. &c., dependants of the said A.B. [or between E.F. N.O. P.R. &c., dependants of the said A.B.

Limited, and G.H. J.K. and L.M.

, who are or claim or may be entitled to claim to be dependants of the said A.B.

[or as the case may be; see Rule 5.]

for the settlement of the said question [or questions].

4. Particulars are hereto appended [or annexed].

#### PARTICULARS.

1. Name and late address of deceased workman.

2. Name and place of business of employer by whom compensation has been paid or is payable.

3. Date of accident to deceased, and date of death.

4. Agreed or ascertained amount of compensation to be paid to dependants of deceased.

5. Particulars as to whether the compensation money is still payable by the employer or has been paid by him, and if so, to whom, and in whose hands it now is.

6. Character in which the applicant applies for arbitration, i.e., whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.

7. Particulars as to the dependants or persons claiming to be dependants by whom or on whose behalf the application is made, giving their names and addresses, and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were or claim to have been wholly or partially dependent on the earnings of the deceased at the time of his death.

8. The like particulars as to any dependants who are made respondents.

[NOTE.—If there is a legal personal representative, and he is not the applicant, he must be made a respondent.]

## PARTICULARS—continued.

9. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses, descriptions, and occupations (if any).

10. Particulars of the manner in which the applicant claims to have the amount of compensation apportioned and applied.

The names and addresses of the applicant and his solicitor are:

Of the Applicant,

Of his Solicitor,

The names and addresses of the respondents to be served with this application are:

C.D. & Co., Limited.

G.H.

I.K.

L.M.

[or as the case may be.]

Dated this

day of

(Signed)

Applicant.

[Or

Applicant's Solicitor.]

## FORM 4.

Rule 9.

*Application for Arbitration with respect to the Compensation payable in respect of Expenses of Medical Attendance and Burial, where Deceased Workman leaves no Dependants.*

In the County Court of

holden at

In the matter of the Workmen's Compensation Act, 1906.

No. of Matter

In the matter of an Arbitration between

E.F.,

of (address)

(description)

and

Applicant,

C.D. & Co., Limited,

of (address)

(description)

and

G.H.,

of (address)

(description)

Respondents.

1. On the day of personal injury by accident arising out of and in the course of his employment was caused to A.B. , late of , deceased, a workman employed by C.D. & Co., Limited,

[or by , a contractor with C.D. & Co., Limited, , for the execution of work undertaken by them,] and on the day of the death of the said A.B. resulted from the injury.

2. The said A.B. left no dependants within the meaning of the above-mentioned Act.

3. A question has [or Questions have] arisen

[here state the questions, specifying only those which have arisen; e.g.]—

(a) as to whether the said A.B. was a workman to whom the above-mentioned Act applied; or

(b) as to the liability of the said C.D. & Co., Limited, to pay compensation under the above-mentioned Act in respect of the reasonable expenses of the medical attendance on and the burial of the said A.B. ; or

- (c) as to the amount of compensation payable by the said C.D. & Co., Limited, under the above-mentioned Act in respect of the reasonable expenses of the medical attendance on and the burial of the said A.B. ; or
- (d) as to the apportionment and application of the compensation payable by the said C.D. & Co., Limited, under the above-mentioned Act in respect of the reasonable expenses of the medical attendance on and the burial of the said A.B.

[or as the case may be.]

4. An arbitration under the above-mentioned Act is hereby requested between E.F. and the said C.D. & Co., Limited, and G.H. for the settlement of the said question [or questions]

5. Particulars are hereto appended [or annexed].

#### PARTICULARS.

1. Name and late address of deceased workman.

2. Name, place of business, and nature of business of respondent from whom compensation is claimed.

3. Nature of employment of deceased at time of accident, and whether employed under respondent or under a contractor with him. [If employed under a contractor who is not a respondent, name and place of business of contractor to be stated.]

4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident and cause of injury.

5. Nature of injury to deceased, and date of death.

6. Name and address of applicant for arbitration.

7. Character in which applicant applies for arbitration, i.e., whether as legal personal representative of deceased or as a person to whom expenses in respect of which compensation is payable are due; and if the latter, particulars must be given of the circumstances under which the expenses are claimed to be due to the applicant.

8. Particulars as to any other persons who claim that expenses in respect of which compensation is payable are due to them, and who are therefore made respondents, with their names and addresses.

9. Particulars of amount claimed as compensation, and of the manner in which the applicant desires such amount to be apportioned and applied.

10. Date of service of statutory notice of accident on respondent from whom compensation is claimed, and whether given before deceased voluntarily left the employment in which he was injured. [A copy of the notice to be annexed.]

11. If notice not served, reason for omission to serve same.

The names and addresses of the applicant and his solicitor are:

Of the Applicant,

Of his Solicitor,

The names and addresses of the respondents to be served with this application are:

C.D. & Co., Limited.

G.H.

Dated this                      day of

(Signed)

Applicant.

[Or

Applicant's Solicitor.]

#### FORM 5.

Rule 9.

*Application for Arbitration with respect to the Review, Termination, Diminution, Increase, or Redemption of a Weekly Payment.*

In the County Court of

holden at

In the matter of the Workmen's Compensation Act, 1906.

No. of Matter

In the matter of an Arbitration between

C.D. & Co., Limited,

of (address)

(description)

Applicants,

and

A.B.,

of (address)

(description)

[or as the case may be; see Act, Sched. 1, pars. 16, 17.]

An arbitration under the Workmen's Compensation Act, 1906, is hereby requested between C.D. & Co., Limited, and A.B.

[or as the case may be; see Act, Sched. 1, pars. 16, 17.]

with respect to the review and termination [or diminution, increase, or redemption, as the case may be] of the weekly payment payable to the said A.B.

under the said Act in respect of personal injury caused to him by accident arising out of and in the course of his employment.

Particulars are hereto appended [or annexed].

#### PARTICULARS.

1. Name and address of injured workman.

2. Name and place of business of employer by whom compensation is payable.

3. Date and nature of accident.

4. Date of agreement, decision, award, or certificate fixing weekly payment, amount of such payment, and date from which it commenced.

5. Relief sought by applicant, whether termination, diminution, increase, or redemption.

6. Grounds on which termination, diminution, or increase is claimed.

The names and addresses of the applicants and their solicitors are:—

Of the Applicants,

Of their Solicitor,

The name and address of the respondent to be served with this application are:

Dated this                      day of                      .

(Signed)

Applicants.

[Or

Applicants' Solicitor.]

#### FORM 6.

*Application for Arbitration by an Injured Master, Seaman, Apprentice or Pilot, with respect to the Compensation payable to him.* Rules 9, 38.

In the County Court of    holden at  
In the matter of the Workmen's Compensation Act, 1906.  
No. of Matter

In the matter of an Arbitration between  
A.B.

of (address)  
(description)

Applicant,

and                      ”

The owners of the Ship “

Respondents.

1. On the                      day of                      personal injury  
by accident arising out of and in the course of his employment was caused to  
A.B.                      , the master of the ship “                      ”  
[or a seaman [or an apprentice to the sea service or an apprentice in the sea  
fishing service] and a member of the crew of the ship “                      ”]  
[or a pilot employed on the ship “                      ”].

2. A question has [or Questions have] arisen

[here state the questions, specifying only those which have arisen; e.g.]—  
(a) as to whether the said A.B.                      is a workman within the  
meaning of the above-mentioned Act; or

(b) as to the liability of the owners of the said ship to pay compensa-  
tion under the above-mentioned Act in respect of the said  
injury; or

(c) as to the amount [or duration] of the compensation payable by the  
owners of the said ship to the said A.B.                      under  
the above-mentioned Act in respect of the said injury.  
[or as the case may be.]

3. An arbitration under the above-mentioned Act is hereby requested  
between the said A.B.                      and the owners of the said ship for  
the settlement of the said question [or questions].

4. Particulars are hereto appended [or annexed].

#### PARTICULARS.

1. Name and address of applicant.

2. Name of ship of which appli-  
cant was master [or of the crew of  
which applicant was a member or  
on which applicant was employed as  
pilot] at time of accident, and port  
of registry.

3. Nature of employment at time  
of accident.

4. Date and place of accident,  
nature of work on which applicant  
was then engaged, and nature of  
accident and cause of injury.

5. Nature of injury.

12. If notice not served, reason  
for omission to serve same.

Of his Solicitor,

 $\lceil 0r$ 

Applicant's Solicitor.]

FORM 7.

*Application for Arbitration by or on behalf of Dependants of Deceased Master, Seaman, Apprentice, or Pilot.*

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_  
In the matter of the Workmen's Compensation Act, 1906.

No. of Matter

In the matter of an Arbitration between

E.F.

of (address)  
(description)

**Applicant,**

and

The owners of the Ship “  
and

G.B.

of (address)  
(description)

### Respondents.

[or as the case may be; see Rule 4.]

1. On the \_\_\_\_\_ day of \_\_\_\_\_ personal injury by accident arising out of and in the course of his employment was caused to \_\_\_\_\_



A.B. , late of , deceased, the master of the ship  
 " " [or a seaman [or an apprentice to the sea service or an  
 apprentice in the sea-fishing service] and a member of the crew of the ship  
 " " [or a pilot employed on the ship " "], and  
 on the day of the death of the said A.B.  
 resulted from the injury.

[or 1. The ship " " which left the port of on or  
 about the day of , was lost with all hands on or  
 about the day of [or was last heard of on  
 or about the day of , and is believed to have  
 been lost with all hands.]

When the said ship left the said port A.B. , late of ,  
 was the master thereof [or a seaman [or an apprentice to the sea service or  
 an apprentice in the sea-fishing service] and a member of the crew of the  
 said ship [or a pilot employed on the said ship.]

2. A question has [or Questions have] arisen

[here state the questions, specifying only those which have arisen; e.g.]—

- (a) as to whether the said A.B. was a workman within the  
 meaning of the above-mentioned Act; or
- (b) as to the liability of the owners of the said ship to pay compensa-  
 tion under the above-mentioned Act to the dependants of the  
 said A.B. in respect of the injury caused to them by  
 the death of the said A.B. ; or
- (c) as to the amount of compensation payable by the owners of the said  
 ship to the dependants of the said A.B. under the  
 above-mentioned Act in respect of the injury caused to them by  
 the death of the said A.B. ; or
- (d) as to who are dependants of the said A.B. within the  
 meaning of the above-mentioned Act; or
- (e) as to the apportionment and application of the compensation pay-  
 able by the owners of the said ship to the dependants of the said  
 A.B. in respect of the injury caused to them by the  
 death of the said A.B.

[or as the case may be.]

3. An arbitration under the above-mentioned Act is hereby requested  
 between E.F. , the legal personal representative of the said A.B.  
 [or between E.F. , a dependant of the said A.B.  
 ] and the owners of the said ship, and G.B. , who  
 claims or may be entitled to claim to be a dependant of the said A.B.

[or as the case may be; see Rule 4.]

for the settlement of the said question [or questions].

4. Particulars are hereto appended [or annexed].

#### PARTICULARS.

1. Name and late address of  
 master, seaman, apprentice, or  
 pilot.

2. Name of ship of which deceased  
 was master [or of the crew of which  
 deceased was a member or on which  
 deceased was employed as pilot] at  
 time of accident or loss of ship, and  
 port of registry.

3. Nature of employment at time  
 of accident or loss of ship.

4. Date and place of accident,  
 nature of work on which deceased  
 was then engaged, and nature of  
 accident and cause of injury [or  
 date and place when and where ship  
 was lost or is deemed to have been  
 lost].

## PARTICULARS—continued.

5. Nature of injury to deceased and date of death [or date when ship was lost or is deemed to have been lost].

6. Earnings of deceased during the 3 years next preceding the injury or date of loss, if he had been so long employed under the same owners, or if the period of his employment had been less than the said 3 years, particulars of his average weekly earnings during the period of actual employment under the said owners.

7. Amount of weekly payments (if any) made to deceased under the Act, and of any lump sum paid in redemption thereof.

8. Name and address of applicant for arbitration.

9. Character in which applicant applies for arbitration, *i.e.*, whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.

10. Particulars as to the dependants of deceased by whom or on whose behalf the application is made, giving their names and addresses, and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were wholly or partially dependent on the earnings of the deceased at the time of his death.

11. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses, and descriptions and occupations (if any).

12. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied.

13. Date of service of statutory notice of accident, and whether given before deceased voluntarily left the employment in which he was injured. [A copy of the notice to be annexed.]

14. If notice not served, reason for omission to serve same.

The names and addresses of the applicant and his solicitor are:

Of the Applicant,

Of his Solicitor,

The names and addresses of the respondents to be served with this application are:

As representing the owners of the ship

[State name and address of managing owner or manager, or of master of ship. See Rule 38 (6).]

and G.B.,

Dated this

day of

(Signed)

Applicant.

[Or

Applicant's Solicitor.]

### FORM 8.

*Application for Arbitration where Security has been given on behalf of the Owners of a Ship under Section 11.* Rules 9 39.

In the County Court of

holden at

In the matter of the Workmen's Compensation Act, 1906.

No. of Matter

In the matter of an Arbitration between

A.B.

of (address)

(description)

Applicant,

and

(names and addresses  
of persons giving  
security)

Respondents.

1. On the day of personal injury by accident arising out of and in the course of his employment was caused to A.B., of , and the said A.B. claims that the owners of the ship " " are liable under the Workmen's Compensation Act, 1906, to pay compensation in respect of the said injury.

2. The respondents have given security to abide the event of any proceedings that may be instituted in respect of the said injury, and to pay such compensation and costs as may be awarded thereon.

3. A question has [or Questions have] arisen

[here state the questions, specifying only those which have arisen; e.g.]—

(a) as to whether the said A.B. is a workman to whom the above-mentioned Act applies; or

(b) as to the liability of the owners of the said ship to pay compensation under the above-mentioned Act in respect of the said injury; or

(c) as to the amount [or duration] of the compensation payable to the said A.B. under the above-mentioned Act in respect of the said injury.

[or as the case may be.]

4. An arbitration under the above-mentioned Act is hereby requested between the said A.B. and the respondents for the settlement of the said question [or questions].

5. Particulars are hereto appended [or annexed].

### PARTICULARS.

[Here insert particulars of circumstances under which the application is made, and of the relief or order which the applicant claims, adapting the particulars in the preceding forms to the circumstances of the case.]

The names and addresses, &c. [as in Form 1.]

NOTE.—This form to be adapted as required to an application for arbitration as between the dependants of a deceased workman and the persons giving security.

## FORM 9.

Rules 9, 41.

*Application for Arbitration by Workman disabled by or suspended on account of having contracted Industrial Disease coming within Section 8.*

In the County Court of

holden at

In the matter of the Workmen's Compensation Act, 1906.

No. of Matter

In the matter of an Arbitration between

A.B.

of (address)  
(description)

and

Applicant,

C.D. &amp; Co., Limited,

of (address)  
(description)

Respondent.

1. On the                      day of                      Mr.                      ,  
the certifying surgeon appointed under the Factory and Workshop Act,  
1901, for the district of                      [or Mr.                      ],  
one of the medical referees appointed by the Secretary of State for the  
purposes of the Workmen's Compensation Act, 1906,] certified that A.B.  
of                      was suffering from                      ,  
a disease coming within section 8 of the Workmen's Compensation Act,  
1906, and was thereby disabled from earning full wages at the work at  
which he was employed.

[Or 1. On the                      day of                      A.B.                      of                      was in  
pursuance of special rules [or regulations] made under the Factory and  
Workshop Act, 1901, suspended from his usual employment on account of  
his having contracted                      , a disease coming within  
section 8 of the Workmen's Compensation Act, 1906.]

2. The said A.B.                      alleges that the above-mentioned  
disease is due to the nature of his employment in                      ,  
[describe employment], and that he was last employed in such employment  
within the twelve months previous to the date of disablement or suspension  
by C.D. & Co., Limited.

3. A question has [or Questions have] arisen

[here state the questions, specifying only those which have arisen; e.g.]—

- (a) as to whether the said A.B.                      is a workman to  
whom the Workmen's Compensation Act, 1906, applies; or
- (b) as to the liability of the said C.D. & Co., Limited,                      to  
pay compensation under the Workmen's Compensation Act, 1906,  
in respect of the said disease [or suspension]; or
- (c) as to whether the said disease was in fact contracted whilst the said  
A.B.                      was in the employment of the said C.D.  
& Co., Limited,                      ; or
- (d) as to whether the said disease is due to the nature of the employ-  
ment of the said A.B.                      under the said  
C.D. & Co., Limited,                      ; or
- (e) as to the amount [or duration] of the compensation payable by the  
said C.D. & Co., Limited,                      to the said  
A.B.                      under the Workmen's Compensation Act, 1906,  
in respect of the said disease.

[or as the case may be.]

4. An arbitration under the above-mentioned Act is hereby requested  
between the said A.B.                      and the said  
C.D. & Co., Limited,                      for the settlement of the  
said question [or questions].

5. Particulars are hereto appended [or annexed].

PARTICULARS.

1. Name and address of applicant.
2. Name, place of business, and nature of business of respondents.
3. Nature of employment of applicant under respondents to which the disease was due.
4. Nature of disease.
5. Date of disablement or suspension.
6. Names and addresses of all other employers by whom applicant was employed in the same employment during the 12 months previous to date of disablement or suspension.
7. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity.
8. Average weekly earnings during the 12 months previous to date of disablement or suspension, if the applicant has been so long employed under respondents, or if not, during any less period during which he has been so employed.
9. Average weekly amount which the applicant is earning or is able to earn in some suitable employment or business.
10. Payment, allowance, or benefit received from employer during period of incapacity.
11. Amount claimed as compensation.
12. Date of service of statutory notice of disablement or suspension on respondents. [A copy of the notice to be annexed.]
13. If notice not served, reason for omission to serve same.

The names and addresses, &c. [as in Form 1].

FORM 10.

*Application for Arbitration by or on behalf of Dependants of Deceased Workman whose death has been caused by Industrial Disease.* Rules 9, 41.

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_  
In the matter of the Workmen's Compensation Act, 1906.  
No. of Matter \_\_\_\_\_

In the matter of an Arbitration between

E.F.

of (address)  
(description)

Applicant,

and

C.D. & Co., Limited,  
of (address)  
(description)  
and

G.H.

of (address)  
(description)

Respondents.

[or as the case may be: see Rule 4.]

1. On the \_\_\_\_\_ day of \_\_\_\_\_ Mr. \_\_\_\_\_ the certifying  
surgeon under the Factory and Workshop Act, 1901, for the district of  
[or Mr. \_\_\_\_\_ one of the medical referees appointed

by the Secretary of State for the purposes of the Workmen's Compensation Act, 1906,] certified that A.B. of \_\_\_\_\_, a disease coming within section 8 of the Workmen's Compensation Act, 1906, and was thereby disabled from earning full wages at the work at which he was employed; and on the day of \_\_\_\_\_ the said A.B. died, his death being caused by the said disease.

[Or 1. On the \_\_\_\_\_ day of \_\_\_\_\_ A.B. of \_\_\_\_\_ was in pursuance of special rules [or regulations] made under the Factory and Workshop Act, 1901, suspended from his usual employment on account of his having contracted \_\_\_\_\_, a disease coming within section 8 of the Workmen's Compensation Act, 1906, and on the \_\_\_\_\_ day of \_\_\_\_\_ the said A.B. died, his death being caused by the said disease.]

[Or 1. On the \_\_\_\_\_ day of \_\_\_\_\_ A.B. \_\_\_\_\_ late of \_\_\_\_\_ died, his death being caused by \_\_\_\_\_, a disease coming within section 8 of the Workmen's Compensation Act, 1906.]

2. The applicant alleges that the above-mentioned disease was due to the nature of the employment of the said A.B. \_\_\_\_\_ in \_\_\_\_\_ (describe employment), and that he was last employed in such employment within the twelve months previous to his disablement or suspension [or, if the workman died without having obtained a certificate of disablement, or was not at the time of his death in receipt of a weekly payment on account of disablement, within the twelve months previous to his death] by C.D. & Co., Limited, \_\_\_\_\_ of \_\_\_\_\_.

3. A question has [or Questions have] arisen

[here, state the questions, specifying only those which have arisen, e.g.]—

- (a) as to whether the said A.B. \_\_\_\_\_ was a workman to whom the Workmen's Compensation Act, 1906, applies; or
- (b) as to the liability of the said C.D. & Co., Limited, \_\_\_\_\_ to pay compensation under the Workmen's Compensation Act, 1906, to the dependants of the said A.B. \_\_\_\_\_ in respect of the injury caused to them by the death of the said A.B. \_\_\_\_\_; or
- (c) as to whether the said disease was in fact contracted whilst the said A.B. \_\_\_\_\_ was in the employment of the said C.D. & Co., Limited, \_\_\_\_\_; or
- (d) as to whether the said disease was due to the nature of the employment of the said A.B. \_\_\_\_\_ under the said C.D. & Co., Limited, \_\_\_\_\_; or
- (e) as to whether the death of the said A.B. \_\_\_\_\_ was in fact caused by the said disease; or
- (f) as to the amount of compensation payable by the said C.D. & Co., Limited, \_\_\_\_\_ to the dependants of the said A.B. \_\_\_\_\_ under the above-mentioned Act in respect of the injury caused to them by the death of the said A.B. \_\_\_\_\_; or
- (g) as to who are dependants of the said A.B. \_\_\_\_\_ within the meaning of the above-mentioned Act; or
- (h) as to the apportionment and application of the compensation payable by the said C.D. & Co., Limited, \_\_\_\_\_ to the dependants of the said A.B. \_\_\_\_\_ in respect of the injury caused to them by the death of the said A.B. \_\_\_\_\_.

[or as the case may be.]

4. An arbitration under the above-mentioned Act is hereby requested between E.F. \_\_\_\_\_, the legal personal representative of the said A.B. \_\_\_\_\_,

\_\_\_\_\_ acting on behalf of the dependants of the said A.B. \_\_\_\_\_,

[or between E.F. \_\_\_\_\_, a dependant of the said A.B. \_\_\_\_\_,] and the said C.D. & Co., Limited, \_\_\_\_\_ and G.H. \_\_\_\_\_, who claims or may be entitled to claim to be a dependant of the said A.B. \_\_\_\_\_,

[or as the case may be; see Rule 4.]

for the settlement of the said question [or questions].

5. Particulars are hereto appended [or annexed].

## PARTICULARS.

1. Name and late address of deceased workman.

2. Name, place of business, and nature of business of respondents from whom compensation is claimed.

3. Nature of employment of deceased under respondents to which the disease was due.

4. Nature of disease.

5. Date of disablement, and date of death.

6. Earnings of deceased during the 3 years next preceding disablement, if he had been so long in the employment of the respondents, or if the period of his employment had been less than the said 3 years, particulars of his average weekly earnings during the period of his actual employment under the respondents.

7. Names and addresses of all other employers by whom deceased was employed in the same employment during the 12 months previous to the date of disablement.

8. Amount of weekly payments (if any) made to deceased under the Act, and of any lump sum paid in redemption thereof.

9. Name and address of applicant for arbitration.

10. Character in which applicant applies for arbitration, *i.e.*, whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.

11. Particulars as to dependants of deceased by whom or on whose behalf the application is made, giving their names and addresses, and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were wholly or partially dependent on the earnings of the deceased at the time of his death.

12. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses, and descriptions and occupations (if any).



## PARTICULARS—continued.

13. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied.

14. Date of service of statutory notice of disablement. [A copy of the notice to be annexed.]

15. If notice not served, reason for omission to serve same.

The names and addresses, &c. [as in Form 2].

## FORM 11.

Rules 9, 37. Application for Arbitration where rights of Employer against Insurers are transferred to Workman under Section 5.

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_  
In the matter of the Workmen's Compensation Act, 1906.  
No. of Matter \_\_\_\_\_

In the matter of an Arbitration between

A.B.

of (address)  
(description)

Applicant,

and

(name and address of  
Insurers)

Respondents.

1. On the \_\_\_\_\_ day of \_\_\_\_\_ personal injury by accident arising out of and in the course of his employment was caused to A.B. \_\_\_\_\_, a workman employed by \_\_\_\_\_

of \_\_\_\_\_ (name and address of employer),  
[or by \_\_\_\_\_ of \_\_\_\_\_, a contractor with  
(name and address of employer) for the execution of work undertaken by him], and the said A.B. \_\_\_\_\_ claims that the said (employer) thereupon became liable to pay compensation under the Workmen's Compensation Act, 1906, to the said A.B. \_\_\_\_\_ in respect of such injury.  
[Or, where weekly payment has been settled,

1. Under an agreement [or a decision or an award or a certificate] recorded in this court on the \_\_\_\_\_ day of \_\_\_\_\_ a weekly payment of \_\_\_\_\_ is payable by \_\_\_\_\_ of \_\_\_\_\_ (name and address of employer) to the above-mentioned A.B. \_\_\_\_\_ as compensation for personal injury caused to the said A.B. \_\_\_\_\_ by accident arising out of and in the course of his employment as a workman employed by the said (employer) [or by \_\_\_\_\_ of \_\_\_\_\_, a contractor with the said (employer) for the execution of work undertaken by him].]

2. The respondents are insurers of the said (employer) in respect of his [or their] liability to pay such compensation.

3. The said (employer) has become a bankrupt [or made a composition or arrangement with his creditors] [or, if the employer is a company, The said \_\_\_\_\_ has commenced to be wound up]; and the rights of the said (employer) against the respondents as such insurers in respect of his [or their] liability to the said A.B. \_\_\_\_\_ have by virtue of section 5 of the said Act been transferred to and vested in the said A.B.

4. A question has [or Questions have] arisen [here state the questions, specifying only those which have arisen, e.g.]—

(a) as to whether the said A.B. \_\_\_\_\_ is a workman to whom the above-mentioned Act applies; or

(b) as to the liability of the said (employer) to pay compensation under the above-mentioned Act in respect of the said injury; or

(c) as to the liability of the respondents as such insurers as aforesaid to the said A.B. ; or

(d) as to the amount [or duration] of the liability of the respondents as such insurers as aforesaid to the said A.B. :

[or as the case may be.]

5. An arbitration under the above-mentioned Act is hereby requested between the said A.B. and the respondents for the settlement of the said question [or questions].

6. Particulars are hereto appended [or annexed].

#### PARTICULARS.

(Here insert particulars containing a concise statement of the circumstances under which the application is made, and of all matters necessary to be stated in order to bring the questions to be settled properly before the judge or arbitrator, and of the relief or order which the applicant claims, adapting the particulars given in the preceding forms to the circumstances of the case.)

The names and addresses of the applicant and his solicitor are:

Of the Applicant,

Of his Solicitor,

The name and address of the respondents to be served with this application are:

Dated this                      day of

(Signed)

Applicant.

[Or

Applicant's Solicitor.]

NOTE.—This form to be adapted as required to an application for arbitration as between the dependants of a deceased workman and insurers.

#### FORM 12.

Notice to Applicant of Day upon which Arbitration will be proceeded with. Rule 15.

[Heading as in Request for Arbitration.]

TAKE NOTICE, that the judge of this Court [or Mr.                      the arbitrator appointed by the judge of this Court] will proceed with the arbitration in this matter at                      on                      the day of at the hour of                      o'clock in the                      noon.

Dated this                      day of

To

Of

Registrar.

#### FORM 13.

Notice to Respondent of Day upon which Arbitration will be proceeded with. Rule 15.

[Heading as in Request for Arbitration.]

TAKE NOTICE, that the judge of this Court [or Mr.                      the arbitrator appointed by the judge of this Court] will proceed with the arbitration applied for in the request and particulars a sealed copy of which is served herewith at                      on                      the day of at the hour of                      o'clock in the                      noon: and that if you do not attend either in person or by your solicitor at the time and place above mentioned such order will be made and proceedings taken as the judge [or arbitrator] may think just and expedient.

And further take notice, that if you wish to disclaim any interest in the subject matter of the arbitration, or consider that the applicant's particulars are in any respect inaccurate or incomplete, or desire to bring any fact or document to the notice of the judge [*or arbitrator*], or intend to rely on any fact, or to deny (wholly or partially) your liability to pay compensation under the Act, you must file with me an answer, stating your name and address and the name and address of your solicitor (if any), and stating that you disclaim any interest in the subject matter of the arbitration, or stating in what respect the applicant's particulars are inaccurate or incomplete, or stating concisely any fact or document which you desire to bring to the notice of the judge [*or arbitrator*], or on which you intend to rely, or the grounds on and extent to which you deny liability to pay compensation.

Such answer, together with a copy thereof for the judge [*or arbitrator*], and a copy for the applicant and for each of the other respondents, must be filed with me ten clear days at least before the       day of       .

If no answer is filed, and subject to such answer, if any, the applicant's particulars and your liability to pay compensation will be taken to be admitted.

Dated this       day of       .  
To  
Of

Registrar.

#### FORM 14.

Rule 18.

#### *Answer by Respondents.*

[*Not to be printed, but to be used as a Precedent.*]

[*Heading as in Request for Arbitration.*]

#### TAKE NOTICE—

That the respondent, G.H.,       disclaims any interest in the subject matter of the above arbitration.

*Or*

That the respondents, C.D. & Co., Limited,       state that the applicant's particulars filed in this matter are inaccurate or incomplete in the particulars hereto annexed.

*Or*

That the respondents, C.D. & Co., Limited,       desire to bring to the notice of the judge [*or arbitrator*] the facts stated in the particulars hereto annexed.

*Or*

That the respondents, C.D. & Co., Limited, intend at the hearing of the arbitration to give evidence and rely on the facts stated in the particulars hereto annexed.

*Or*

That the respondents, C.D. & Co., Limited,       deny their liability to pay compensation under the Act in respect of the injury to A.B. mentioned in the applicant's particulars, on the grounds stated in the particulars hereto annexed.

#### PARTICULARS.

1. *Particulars in which the particulars filed by the Applicant are inaccurate or incomplete.*

2 *Facts which the Respondents desire to bring to the notice of the Judge [or Arbitrator].*

That the applicant A.B. refuses to submit himself to medical examination as required by [or obstructs the medical examination required by] the respondents, C.D. & Co., Limited, in accordance with paragraph 4 of the first schedule to the Act [or refuses to submit himself for examination by a medical referee as ordered [or obstructs the examination by a medical referee ordered] in accordance with paragraph 15 of the first schedule to the Act.

[or as the case may be.]

3. *Facts which Respondents C.D. & Co., Limited, intend to give in evidence and rely on at the hearing of the Arbitration.*

That notice of the alleged accident [or of death, disablement or suspension] was not given to the respondents as required by the Act; or

That the claim for compensation was not made on the respondents within the time limited by the Act; or

That a scheme of compensation [benefit or insurance] for the workmen of the respondents, C.D. & Co., Limited, has been duly certified by the Registrar of Friendly Societies, and such certificate was in force at the date of the alleged accident, and the said C.D. & Co., Limited, contracted with the applicant A.B. [or with the deceased workman], by a contract which was in force at the date of the alleged accident, that the provisions of the said scheme should be substituted for the provisions of the Act, and the said C.D. & Co., Limited, are consequently liable only in accordance with the said scheme.

[or as the case may be.]

4. *Grounds on which the Respondents deny their Liability to pay Compensation.*

- (i.) That the applicant A.B. is [or the deceased workman was] not a workman to whom the Act applies; or
- (ii.) That the injury to the applicant [or to the deceased workman] was not caused by accident arising out of and in the course of his employment; or
- (iii.) That the injury to the applicant [or to the deceased workman] was attributable to the serious and wilful misconduct of the applicant [or of the deceased workman], and did not result in death or serious and permanent disablement; or
- (iv.) That at the time of the alleged accident the applicant [or the deceased workman] was not immediately employed by the respondents, but was employed by of a contractor with the respondents for the execution by or under such contractor of work undertaken by the respondents, and the accident occurred elsewhere than on, in, or about premises on which the respondents had undertaken to execute the work or which were otherwise under the control or management of the respondents; or
- (v.) That the injury to the applicant [or to the deceased workman] was caused under circumstances creating a legal liability in a person other than the respondents, to wit, [name and address of such person] to pay damages in respect thereof, and the applicant [or the deceased workman] has taken proceedings against the said and has recovered damages from him; or  
in case of industrial disease,
- (vi.) That the applicant [or the deceased workman] at the time of entering the employment of the respondents wilfully and falsely represented himself in writing as not having previously suffered from the disease mentioned in the applicant's particulars; or
- (vii.) That the disease mentioned in the applicant's particulars was not contracted whilst the applicant [or the deceased workman] was in the employment of the respondents; or

(viii.) That the disease mentioned in the applicant's particulars was not due to the nature of the employment in which the applicant [or the deceased workman] was employed by the respondents:

[or as the case may be.]

And further take notice, that the names and addresses of the said respondents and their solicitors are:

of the Respondents,  
C.D. & Co., Limited,  
of their Solicitors,

Dated this                      day of

(Signed)

Solicitors for the Respondents,  
C.D. & Co., Limited.

To the Registrar of the Court, and  
To the Applicant, A.B., and  
To the Respondents  
(if any, naming them).

#### FORM 15.

Rule 19.

*Notice by Respondent admitting Liability and submitting to an Award or paying Money into Court, or submitting to an Award or paying Money into Court with a denial of Liability.*

[Not to be printed, but to be used as a Precedent.]

[Heading as in Request for Arbitration.]

#### TAKE NOTICE—

That the respondents, C.D. & Co., Limited, admit their liability to pay compensation in the above-mentioned matter.

And they hereby submit to an award for payment by them to the applicant, A.B., of the weekly sum of                      such weekly payment to commence as from the                      day of                      , and to continue during the total or partial incapacity of the said A.B.                      for work, or until the same shall be ended, diminished, increased, or redeemed in accordance with the provisions of the above-mentioned Act.

And for payment by them to the applicant                      forthwith after the award of the amount of such weekly payments calculated from the                      day of                      until the first Saturday [or other usual pay day] after the date of the award, and for the payment thereafter of the said sum of                      to the applicant                      on Saturday [or other usual pay day] in every week. [Or, And the said C.D. & Co., Limited,                      herewith pay into Court the sum of £                      in satisfaction of such liability.]

[Or, where liability is denied,

#### TAKE NOTICE—

That the respondents, C.D. & Co., Limited, hereby submit (follow from above, down to the words in every week).

[Or, That the respondents, C.D. & Co., Limited, herewith pay into Court the sum of £                      in satisfaction of the applicant's claim in the above-mentioned matter.]

And further take notice, that, notwithstanding such submission [or payment], the respondents deny their liability.

And further take notice, that the address of the said respondents is as follows: (state the address).]

Dated this                      day of

(Signed)

Solicitors for the Respondents,  
C. D. & Co., Limited.

To the Registrar of the Court, and  
To the Applicant A.B., and  
To the Respondents  
(if any, naming them).

#### FORM 16.

Rule 19.

*Notice of filing of Submission to an Award, or of Payment into Court, in the case of an injured Workman.*

[Heading as in Request for Arbitration.]

#### TAKE NOTICE—

That the respondents, C.D. & Co., Limited, have this day filed with me a notice (copy of which is sent herewith) that they admit their

liability to pay compensation in the above-mentioned matter, and submit to an award for payment by them to you of the weekly sum of [or and have paid into Court the sum of £ in satisfaction of such liability].

[Or

**TAKE NOTICE—**

That the respondents, C.D. & Co., Limited, have this day filed with me a notice (copy of which is sent herewith) that they deny their liability to pay compensation in the above-mentioned matter, but that they submit to an award for payment by them to you of the weekly sum of [or but that they have paid into Court the sum of £ in satisfaction of your claim].]

If you elect to accept such weekly sum [or the sum so paid into Court] in satisfaction of your claim, you must send to the registrar of this Court, and to the said C.D. & Co., Limited, a written notice forthwith by post, or leave such notice at the office of the registrar, and at the residence or place of business of the said C.D. & Co., Limited.

If you send such notice, the judge of this Court will, on application made to him, make an award directing payment of such weekly sum to you [or directing payment of the said sum of £ to you, or applying the said sum of £ for your benefit], and you will be liable to no further costs.

In default of such notice, the arbitration will be proceeded with; and if no greater payment is awarded to you, you will be liable to be ordered to pay the costs incurred by the respondents subsequent to the receipt by you of this notice.

Dated this                      day of

Registrar.

To the Applicant, A.B.

**FORM 17.**

*Notice of Payment into Court in the case of Death.*

Rule 19.

*[Heading as in Request for Arbitration.]*

**TAKE NOTICE—**

That the respondents, C.D. & Co., Limited, have this day filed with me a notice (copy of which is sent herewith) that they admit their liability to pay compensation in the above-mentioned matter, and have paid into Court the sum of £ in satisfaction of such liability.

[Or

**TAKE NOTICE—**

That the respondents, C.D. & Co., Limited, have this day filed with me a notice (copy of which is sent herewith) that they deny their liability to pay compensation in the above-mentioned matter, but that they have paid into Court the sum of £ in satisfaction of the claim made herein.]

If you are willing to accept the sum so paid into Court in satisfaction of the compensation payable in the above-mentioned matter, you must send to the registrar of this Court, and to the said C.D. & Co., Limited, and to the other respondents [or, where this notice is sent to a respondent, to the applicant and the other respondents], a written notice forthwith by post, or leave such notice at the office of the registrar, and at the residence or place of business of the said C.D. & Co., Limited, and at the residence or place of business of each of the other respondents [or of the applicant and each of the other respondents].

If you and all the other respondents [or If you and the applicant and all the other respondents] send such notice, and agree as to the apportionment and application of the said sum of £, the judge of this Court will, on application made to him, make an award for such apportionment and application, and you will be liable to no further costs.

If you and all the other respondents [or If you and the applicant and all the other respondents] send such notice, but do not agree as to the apportionment and application of the said sum of £, the arbitration will be proceeded with as between you and such other respondents [or as between the applicant and yourself and such other respondents].

In default of such notice being sent by you and all the other respondents [or by the applicant and yourself and all the other respondents], the arbitration will be proceeded with: and if no greater amount than the said sum of £            is awarded as compensation, the parties who do not send such notice will be liable to be ordered to pay the costs incurred by the respondents, C.D. & Co., Limited, subsequent to the receipt by such parties of this notice, and also any costs incurred subsequent to the receipt of this notice by any parties who send notice of their willingness to accept the said sum of £            in satisfaction of the compensation payable in the above-mentioned matter.

Dated this            day of            .

Registrar.

To the Applicant, A.B.,

[or To the Respondent, G.H.]

(or as the case may be).

#### FORM 18.

Rule 19.

*Notice of Acceptance of Weekly Sum offered, or of Willingness to accept Sum paid into Court.*

[Not to be printed, but to be used as a Precedent.]

[Heading as in Request for Arbitration.]

#### TAKE NOTICE—

That the applicant, A.B.            accepts the weekly sum offered by the respondents, C.D. & Co., Limited,            [or the sum of £            paid into Court] in satisfaction of his claim in the above-mentioned matter [or, that the applicant, E.F. [or, the respondent, G.H.] is willing to accept the sum of £            paid into Court by the respondents, C.D. & Co., Limited,            in satisfaction of the compensation payable in the above-mentioned matter].

But the applicant            [or the said respondent, G.H.            ] will apply to the judge to include in his award an order directing the said respondents, C.D. & Co., Limited,            to pay the costs properly incurred by the applicant            [or the said respondent, G.H.            ] before the receipt of notice of the offer of the said weekly sum [or of notice of payment of the said sum of £            into Court], and his costs properly incurred in relation to the notice of the offer of the said weekly sum [or the notice of payment of the said sum of £            into Court] and to this notice, and in attending at the Court to obtain an award.

Dated this            day of           

(Signed)

Applicant.

[Or

To the Registrar of the Court, and

Respondent.]

To the Respondents, C.D. & Co., Limited, and

To the Applicant, A.B., and

To the Respondents

(naming them).

#### FORM 19.

Rule 41.

*Application for Addition of Employer as Respondent under Section 8, Sub-section (1), Paragraph (c), Proviso (ii).*

[Not to be printed, but to be used as a Precedent.]

[Heading as in Request for Arbitration.]

#### TAKE NOTICE—

That the respondents, C.D. & Co., Limited,            allege that the disease mentioned in the applicant's particulars filed in this matter was in fact contracted while the applicant [or the deceased workman] was in the



employment of \_\_\_\_\_ of \_\_\_\_\_, and not whilst in the employment of the said C.D. & Co., Limited.

And the said C.D. & Co., Limited, hereby apply for an order that the said \_\_\_\_\_ be joined as respondents in the above arbitration, and if necessary for an adjournment of the hearing of the arbitration.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

(Signed) \_\_\_\_\_ C.D. & Co., Limited.  
By \_\_\_\_\_ Secretary.

[Or \_\_\_\_\_ Solicitors for the Respondents,  
C.D. & Co., Limited.

To the Registrar of the Court.

#### FORM 20.

##### *Order adding Respondents.*

Rule 41.

[*Heading as in Request for Arbitration.*]

It is this day ordered on the application of the respondents, C.D. & Co., Limited, that \_\_\_\_\_ of \_\_\_\_\_ be added as respondents to this arbitration [and that the hearing of this arbitration be adjourned to the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Registrar.

#### FORM 21.

*Notice to Applicant and Original Respondents of Addition of Respondents.* Rule 41.

[*Heading as in Request for Arbitration.*]

#### TAKE NOTICE—

That by order dated the \_\_\_\_\_ day of \_\_\_\_\_ it was ordered on the application of the respondents, C.D. & Co., Limited, (a copy whereof is hereto annexed), that \_\_\_\_\_ of \_\_\_\_\_ be added as respondents to this arbitration [and that the hearing of this arbitration be adjourned to the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Registrar.

To the Applicant  
and

The Respondents,  
C.D. & Co., Limited.

#### FORM 22.

*Notice to Parties who are added as Respondents.*

Rule 41.

[*Heading as in Request for Arbitration.*]

To Messrs.

of

(address and description.)

#### TAKE NOTICE—

That by an order of this Court, dated the \_\_\_\_\_ day of \_\_\_\_\_, a copy of which order is hereunto annexed, together with a copy of the request and particulars filed by the applicant in this matter, and a copy of

the application on which the said order was made, you were ordered to be added as a respondent in the above arbitration.

And further take notice, that the hearing of the above arbitration has been appointed for the day of at o'clock in the noon, and that if you do not attend, either in person or by your solicitor, at the court-house at upon the day and at the hour above mentioned such order will be made and proceedings taken as the judge [or arbitrator] may think just and expedient.

And further take notice, that if you wish to disclaim any interest in the subject matter of the arbitration, or consider that the applicant's particulars are in any respect inaccurate or incomplete, or desire to bring any fact or document to the notice of the judge [or arbitrator], or intend to rely on any fact, or to deny (wholly or partially) your liability to pay compensation under the Act, you must file with me an answer, stating your name and address and the name and address of your solicitor (if any), and stating that you disclaim any interest in the subject matter of the arbitration, or stating in what respect the applicant's particulars are inaccurate or incomplete, or stating concisely any fact or document which you desire to bring to the notice of the judge [or arbitrator], or on which you intend to rely, or the grounds on and extent to which you deny liability to pay compensation.

Such answer, together with a copy thereof for the judge [or arbitrator], and a copy for the applicant and for each of the other respondents, must be filed with me ten clear days at least before the day of

If no answer is filed, and subject to such answer, if any, the applicant's particulars and your liability to pay compensation will be taken to be admitted.

Dated this                      day of  
To  
Of

Registrar.

#### FORM 23.

Rules 20, 25.

#### *Notice by Respondent to Third Parties.*

[Not to be printed, but to be used as a Precedent.]

[Heading as in Request for Arbitration.]

To Mr.                      , of                      (address and description)  
TAKE NOTICE—That A.B.                      of, &c.,                      has filed a request for arbitration (a copy whereof is hereto annexed) as to the amount of compensation payable by the respondents, C.D. & Co., Limited,                      to the said A.B.                      in respect of personal injury caused to the said A.B.                      by accident arising out of and in the course of his employment.

[Or That E.F.                      of                      has filed a request for arbitration (a copy whereof is hereto annexed) with respect to the compensation payable to the dependants of A.B.                      deceased, in respect of the injury caused to the said dependants by the death of the said A.B.                      which resulted from injury caused to the said A.B.                      by accident arising out of and in the course of his employment.]

[or as the case may be; see forms of request for arbitration.]

The respondents, C.D. & Co., Limited,                      claim to be indemnified by you against their liability to pay such compensation, on the ground that at the time of the injury in respect of which compensation is claimed the said A.B.                      was not immediately employed by the said C.D. & Co., Limited,                      but was employed by you in the execution of work undertaken by the said C.D. & Co., Limited,                      in respect of which the said C.D. & Co., Limited,                      had contracted with you for the execution thereof by or under you.

[Or on the ground that the injury for which compensation is claimed was caused under circumstances creating a legal liability on your part [add, if so,

as the persons who have given security in respect of the liability of the owners of the ship " " ] to pay damages in respect thereof].

[or as the case may be.]

[Or, in case of industrial disease, The respondents C.D. & Co., Limited, claim to be entitled to contribution from you in respect of the compensation claimed from them, on the ground that the disease mentioned in the applicant's particulars was of such a nature as to be contracted by a gradual process, and that the said A.B. was employed by you during the 12 months previous to the date of disablement or suspension in the employment to the nature of which the disease was due.]

And take notice, that if you wish to dispute the applicant's claim as against the respondents, C.D. & Co., Limited, or your liability to the said respondents, you must appear before the judge [or arbitrator] at the time and place mentioned in the notice a copy of which is hereunto annexed.

In default of your so appearing you will be deemed to admit the validity of any award made in the said arbitration as to any matter which the judge [or arbitrator] has jurisdiction to decide in such arbitration as between the applicant and the respondents, C.D. & Co., Limited, whether such award is made by consent or otherwise, and your own liability to indemnify the said C.D. & Co., Limited, [or to contribute as above mentioned].

Dated this                      day of

(Signed)                      C.D. & Co., LIMITED,

To                                      By

Secretary.

of                                      [Or

Solicitors for the Respondents,  
C.D. & Co., Limited.]

#### FORM 24.

#### Award.

[NOTE.—These forms are intended for use in ordinary cases only. The award in any special case must be settled under Rule 30, in accordance with the directions given by the Judge or Arbitrator.] Rule 30.

(i.) In Case of Application by Workman.

[Heading as in Request for Arbitration.]

Having duly considered the matters submitted to me, I do hereby make my award as follows:—

[Here insert any introductory recitals of findings on which the award is made which the judge or arbitrator may direct.]

1. I order that the respondents, C.D. & Co., Limited, do pay to the applicant, A.B., the weekly sum of as compensation for personal injury caused to the said A.B. on the day of , by accident arising out of and in the course of his employment as a workman employed by the said respondents, such weekly payment to commence as from the day of , and to continue during the total or partial incapacity of the said A.B. for work, or until the same shall be ended, diminished, increased, or redeemed in accordance with the provisions of the above-mentioned Act.

2. And I order that the said C.D. & Co. do forthwith pay to the said A.B. the sum of £ being the amount of such weekly payments calculated from the day of until the day of <sup>(1)</sup>, and do thereafter pay the said sum of to the said A.B. on Saturday <sup>(2)</sup> in every week.

<sup>(1)</sup> First Saturday or other usual pay day after date of award.  
<sup>(2)</sup> Or other usual pay day.

4. And I order that the said C.D. & Co. do pay to the registrar of this Court, for the use of the applicant, his costs of and incidental to this arbitration, such costs, in default of agreement between the parties as to the amount thereof, to be taxed by the registrar under column of the scales of costs in use in the County Courts, and to be paid by the said C.D. & Co. to the registrar within 14 days from the date of the certificate of the result of such taxation.

Dated this day of

Judge [or Arbitrator].

(ii.) *In Case of Application by Dependants.*

[Heading as in Request for Arbitration.]

Having duly considered the matter submitted to me, I do hereby make my award as follows:—

[Here insert any introductory recitals of findings on which the award is made which the judge or arbitrator may direct.]

1. I order that the respondents, C.D. & Co., Limited, do pay the sum of £ to the dependants of A.B., late of , deceased, as compensation for the injury resulting to such dependants from the death of the said A.B. , which took place on the day of from injury caused to the said A.B. on the day of by accident arising out of and in the course of his employment as a workman employed by the said respondents.

2. And I declare that the persons hereinafter named are entitled to share in such compensation as dependants of the said A.B. , that is to say, J.B., the widow of the said A.B., and <sup>(1)</sup>

<sup>(1)</sup> Name the other persons.

3. [Add, if so found.] And I declare that the respondent G.H. , the of the said A.B. , is not entitled to share in such compensation as a dependant of the said A.B.

4. And I order that the said sum of £                  be apportioned between  
the said J.B.                  and (<sup>1</sup>)

in the proportions following, that is to say:—

I apportion the sum of £                      to or for the benefit of the said  
J.B.,                      and the sum of £                      to or for the benefit of the  
said (²)

(2) Specify the persons entitled and the sums apportioned them.

5. And I order that the said C.D. & Co., Limited, do pay the said sum of £                      to the registrar of this Court within 14 days from the date of this award.

6. And I order that on payment to the registrar of the said sum of £ , the registrar do forthwith pay to the said J.B. the sum of £ hereby apportioned to her [or the sum of £ out of the sum of £ hereby apportioned to her, and that the balance of the last-mentioned sum (less the fee for the investment thereof) be invested by the registrar in his name in the Post Office Savings Bank for the benefit of the said J.B., and that out of the sum so invested and the accruing interest thereof the registrar do from time to time until further order pay to the said J.B. the weekly [or fortnightly] sum of £ , the first payment to be made on the day of ].

7. And I order that on payment to the registrar of the said sum of £                      the sums of £                      and £                      hereby apportioned to or for the benefit of the said

respectively (less the fees for the investment thereof) be invested by the registrar in his name in the Post Office Savings Bank for the benefit of the said \_\_\_\_\_ and \_\_\_\_\_ respectively, and that interest arising from such investments be from time to time until further order paid to the said J.B. \_\_\_\_\_ to be by her applied for the maintenance, education, or benefit of the said \_\_\_\_\_ and \_\_\_\_\_ respectively.

8. And I order that the said J.B. \_\_\_\_\_ and the said \_\_\_\_\_

or any of them be at liberty to apply to the judge from time to time as they may be advised for any further or other order as to the application of any of the said sums so ordered to be invested and the accruing interest thereof.

9. And I order that the said C.D. & Co., Limited, do pay to the registrar of this Court, for the use of the applicants, their costs of and incidental to this arbitration, such costs, in default of agreement between the parties as to the amount thereof, to be taxed by the registrar under column of the scales of costs in use in the County Courts, and to be paid by the said C.D. & Co., Limited, to the registrar within 14 days from the date of the certificate of the result of such taxation.

[Add directions (if any given) as to costs occasioned by claim of person claiming as a dependant whose claim is disallowed.]

Dated this                      day

Judge [*or* Arbitrator].

(iii.) *In case of Application by Person to whom expenses of Medical Attendance or Burial are due.*

[Heading as in Request for Arbitration.]

Having duly considered the matters submitted to me, I do hereby make my award as follows:—

[Leave space for any introductory recitals of findings on which the award is made which the judge or arbitrator may direct.]

1. I order that the respondents, C.D. & Co., Limited, do pay the sum of £ for or towards the expenses of medical attendance on and the burial of A.B., late of , deceased, who died on the day of from injury caused on the day of by accident arising out of and in the course of the employment of the said A.B. as a workman employed by the said C.D. & Co., Limited.

2. And I declare that the persons hereinafter named are entitled to share in such compensation, that is to say:

The applicant, E.F., in respect of charges amounting to £ due to [or payable by] him for medical attendance on the said A.B. and the respondent, G.H., in respect of charges amounting to £ due to him for the burial of the said A.B.

3. And I order that the respondents, C.D. & Co., Limited, do pay the said sum of £ to the registrar of this Court within 14 days from the date of this award, and that the said sum of £ be apportioned between and paid to the said E.F. and G.H. in proportion to the amounts due to them respectively as aforesaid.

4. And I order that the said C.D. & Co., Limited, do pay to the registrar of this Court for the use of the applicant, E.F., and the respondent, G.H., their respective costs of and incident to this arbitration, such costs, in default of agreement between the parties as to the amount thereof, to be taxed by the registrar under column of the scales of costs in use in the County Courts, and to be paid by the said C.D. & Co., Limited, to the registrar within 14 days from the date of the certificate of the result of such taxations.

Dated this day of

Judge [or Arbitrator].

[Note.—The above forms will serve as guides for framing awards in other cases of arbitration.]

#### FORM 25.

Rule 34.

#### *Notice of Day upon which Special Case will be heard.*

In the County Court of holden at

[Heading as in Special Case.]

TAKE NOTICE that the judge of this Court will hear the special case stated in the above-named matter at a Court to be holden at on the day of at the hour of in the noon: and that if you do not attend in person or by your solicitor at the place and time above-mentioned, such order will be made and proceedings taken as the judge may think just.

You may obtain a copy of the case upon application at my office and upon prepayment of the costs of such copy.

Dated this day of

Registrar.

To [The Applicant and Respondents.]

#### FORM 26.

Rule 39 (3).

#### *Application for Order for Detention of Ship.*

[Not to be printed, but to be used as a Precedent.]

In the County Court of holden at  
The Workmen's Compensation Act, 1906. Section 11.  
The Ship “ ”

Application is hereby made on behalf of  
of  
who alleges that the owners of the ship “ ”  
which has been found in the port [or river] of  
[or within three miles of the coast of England], are liable as such  
owners to pay compensation under the Workmen's Compensation Act, 1906,

in respect of personal injury by accident arising out of and in the course of his employment caused to of on the day of in the port [or harbour] of and who claims compensation in respect of such injury, and alleges that none of the owners of the said ship reside in the United Kingdom, for an order directed to an officer of Customs or other officer named by the judge, requiring him to detain the said ship until such time as the owners, agent, master, or consignee thereof have paid such compensation, or have given security, to be approved by the judge, to abide the event of any proceedings that may be instituted to recover such compensation, and to pay such compensation and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law.

The grounds on which this application is made are set forth in the affidavit of filed herewith [or will be given in evidence on the hearing of the application].

Dated this day of

(Signed)

[Name and Address of Applicant or Applicant's Solicitor.]

#### FORM 27.

##### *Undertaking as to Damages.*

Rule 39 (4).

[Not to be printed, but to be used as a Precedent.]

In the County Court of holden at  
The Workmen's Compensation Act, 1906. Section 11.  
The Ship “ ”

I the undersigned, of hereby undertake to abide by any order which may hereafter be made as to damages, in case any person affected by the order to be made on my application for the detention of the ship “ ” shall sustain any damages by reason of such order which I ought to pay.

Dated this day of

(Signed)

[Signature and Address of Applicant.]

[To be altered as required, if the undertaking is given by any person other than the applicant.]

#### FORM 28.

##### *Order for Detention of Ship.*

Rule 39 (5).

In the County Court of holden at  
The Workmen's Compensation Act, 1906.  
The Ship “ ”

Whereas it is alleged that the owners of the ship “ ” are liable as such owners to pay compensation in respect of personal injury by accident arising out of and in the course of his employment caused to of in the port [or harbour] of :

And that the said ship has been found in the port [or river] of [or within three miles of the coast of England]:

And whereas it has been shown to me, on the application of of , who claims compensation in respect of such injury, that the owners of the said ship are probably liable as such to pay such compensation, and that none of the owners reside in the United Kingdom: [And whereas the said has filed an undertaking to abide by any order which may hereafter be made as to



damages, in case any person affected by this order shall sustain any damages by reason of this order which the said \_\_\_\_\_ ought to pay:]

Now I do hereby issue this order directed to you, the Chief Officer of Customs at *[or other officer named by the judge]* requiring you to detain the said ship until such time as the owners, agent, master, or consignee thereof have paid compensation in respect of the said injury, or have given security in the sum of £ , to be approved by the judge, to abide the event of any proceedings that may be instituted to recover such compensation, and to pay such compensation and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law.

Dated this                      day of

Judge.

To the Chief Officer of Customs at  
[or other officer named by the judge.]

## FORM 29.

*Bond by way of Security.*

**Rule 39 (7).**

[Not to be printed, but to be used as a Precedent.]

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_  
The Workmen's Compensation Act, 1906.  
The Ship " \_\_\_\_\_ " \_\_\_\_\_

Whereas it is alleged that the owners of the ship “ ” are liable as such owners to pay compensation in respect of personal injury by accident arising out of and in the course of his employment caused to of in the port [or harbour] of :

And whereas the judge of this Court has issued an order directed to the Chief Officer of Customs at [or other officer named by the judge] requiring him to detain the said ship until such time as the owners, agent, master, or consignee thereof have paid compensation in respect of the said injury, or have given security in the sum of £ , to be approved by the judge, to abide the event of any proceedings that may be instituted to recover such compensation, and to pay such compensation and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law :

Now, therefore, we [*state names, addresses, and description of sureties*] jointly and severally submit ourselves to the jurisdiction of this Court, or of any other competent Court in England or Ireland in which any proceedings may be instituted in respect of the said injury, and consent that if the owners, agent, master, or consignee of the said ship shall not pay all such compensation and costs as may be awarded thereon execution may issue forthwith against us, our heirs, executors, and administrators, goods and chattels, for a sum not exceeding pounds.

[Signatures of Sureties.]

This bail bond was signed by the said  
and  
the sureties, the                      day of  
19 .

Before me,

Registrar.

[or Clerk to the Registrar nominated  
to take affidavits.]

## FORM 30.

*Order of Release.*

Rule 39 (8).

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_  
The Workmen's Compensation Act, 1906.

The Ship " \_\_\_\_\_ "

You are hereby authorised and directed to release the ship " \_\_\_\_\_ "  
now under detention by virtue of an order made on the \_\_\_\_\_ day  
of \_\_\_\_\_, upon the payment of all costs, charges and expenses  
attending the custody thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Judge.

To the Chief Officer of Customs at

[or other officer named in the order for detention.]

## FORM 30A.

*Solicitor's Undertaking to give Security.*

Rule 39 (9).

[Not to be printed, but to be used as a Precedent.]

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_  
The Workmen's Compensation Act, 1906.

The Ship " \_\_\_\_\_ "

Whereas it is alleged that the owners of the ship " \_\_\_\_\_ " are liable  
as such owners to pay compensation in respect of personal injury by acci-  
dent arising out of and in the course of his employment caused to \_\_\_\_\_ of  
\_\_\_\_\_ in the port [or harbour] of \_\_\_\_\_ :

Now, therefore, I, *L.M.*, of (address) \_\_\_\_\_, solicitor for the  
owners [agent, master or consignee] of the said ship, hereby undertake  
within \_\_\_\_\_ days from the date hereof to put in or give security in the  
sum of £ \_\_\_\_\_, to be approved by the judge, to abide the event of any  
proceedings that may be instituted to recover such compensation, and to  
pay such compensation and costs as may be awarded thereon.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

(Signed) *L.M.*

## FORM 31.

*Application for Order for Detention of Ship by Employer claiming Indemnity.* Rule 40.

[Not to be printed, but to be used as a Precedent.]

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_  
The Shipowners' Negligence (Remedies) Act, 1905.  
The Workmen's Compensation Act, 1906.

The Ship " \_\_\_\_\_ "

Application is hereby made on behalf of  
of \_\_\_\_\_  
who alleges:—

1. That on the \_\_\_\_\_ day of \_\_\_\_\_ personal injury by accident arising  
out of and in the course of his employment was caused to \_\_\_\_\_  
of \_\_\_\_\_ in the port [or harbour] of \_\_\_\_\_ : and

2. That the applicant, as the employer of the said \_\_\_\_\_ has paid  
compensation [or has had a claim for compensation made on him] in respect  
of such injury under the Workmen's Compensation Act, 1906: and

3. That the applicant is [or will become] entitled to be indemnified under  
that Act by the owners of the ship " \_\_\_\_\_ " on the ground that the

said injury was caused by the said ship [or sustained on in or about the said ship], in consequence of the wrongful act, neglect, or default of the owners of the said ship, or the master or officers or crew thereof, or of some other person in the employment of the owners of the said ship, or of some defect in the said ship or its apparel or equipment: and

4. That the said ship has been found in the port [or river] of [or within three miles of the coast of England]: and

5. That none of the owners of the said ship reside in the United Kingdom:

for an order directed to an officer of Customs or other officer named by the judge, requiring him to detain the said ship until such time as the owners, agent, master, or consignee thereof have indemnified the applicant or paid compensation in respect of the said injury, or have given security, to be approved by the judge, to abide the event of any proceedings that may be instituted in respect of the said injury or to recover such indemnity, and to pay such compensation, indemnity, and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law.

The grounds on which this application is made are set forth in the affidavit of filed herewith [or will be given in evidence on the hearing of the application].

Dated this

day of

(Signed)

[Name and Address of Applicant or Applicant's Solicitor.]

#### FORM 32.

Rule 40.

#### *Order for Detention of Ship on Application of Employer claiming Indemnity.*

In the County Court of

holden at

The Shipowners' Negligence (Remedies) Act, 1905.

The Workmen's Compensation Act, 1906.

The Ship "

"

Whereas it is alleged by

of

1. That on the day of personal injury by accident arising out of and in the course of his employment was caused to of in the port [or harbour] of : and

2. That the said as the employer of the said has paid compensation [or has had a claim for compensation made on him] in respect of such injury under the Workmen's Compensation Act, 1906: and

3. That the said is [or will become] entitled to be indemnified under that Act by the owners of the ship " " on the ground that the said injury was caused by the said ship [or sustained on in or about the said ship]; in consequence of the wrongful act, neglect, or default of the owners of the said ship, or the master or officers or crew thereof, or of some other person in the employment of the owners of the said ship, or of some defect in the said ship or its apparel or equipment: and

4. That the said ship has been found in the port [or river] of [or within three miles of the coast of England]:

And whereas it has been shown to me, on the application of the said that the applicant probably is [or will become] entitled to be indemnified under the said Act, and that none of the owners of the said ship reside in the United Kingdom:

[And whereas the said has filed an undertaking to abide by any order which may hereafter be made as to damages, in case any person affected by this order shall sustain any damages by reason of this order which the said ought to pay]:

Now I do hereby issue this order directed to you, the Chief Officer of Customs at [or other officer named by the judge], requiring you to detain the said ship until such time as the owners, agent, master, or consignee thereof have indemnified the said or paid compensation in respect of the said injury, or have given security in the sum of £ , to be approved by the judge, to abide the event of any proceedings that may be instituted in respect of the said injury, or to recover

such indemnity, and to pay such compensation, indemnity, and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law.

Dated this                      day of

Judge.

To the Chief Officer of Customs at  
[or other officer named by the judge].

FORM 33.

*Bail Bond by way of Security where Order of Detention made on Application of Employer claiming Indemnity.*

Rule 40.

[Not to be printed, but to be used as a Precedent.]

In the County Court of                      holden at  
The Shipowners' Negligence (Remedies) Act, 1905.  
The Workmen's Compensation Act, 1906.  
The Ship "                      ."

Whereas it is alleged:—

1. That on the                      day of                      personal injury by accident arising out of and in the course of his employment was caused to  
of                      in the port [or harbour] of                      ;  
and

2. That                      of                      as the employer of the said                      , has paid compensation [or has had a claim for compensation made on him] in respect of the said injury under the Workmen's Compensation Act, 1906; and

3. That the said                      is [or will become] entitled to be indemnified under that Act by the owners of the ship "                      ,", on the ground that the said injury was caused by the said ship [or sustained on in or about the said ship] in consequence of the wrongful act, neglect, or default of the owners of the said ship, or the master or officers or crew thereof, or of some other person in the employment of the owners of the said ship, or of some defect in the said ship or its apparel or equipment:

And whereas the judge of this Court has issued an order directed to the Chief Officer of Customs at                      [or other officer named by the judge], requiring him to detain the said ship until such time as the owners, agent, master, or consignee thereof have indemnified the said                      or paid compensation in respect of the said injury, or have given security in the sum of £                      , to be approved by the judge, to abide the event of any proceedings that may be instituted in respect of the said injury, or to recover such indemnity, and to pay such compensation, indemnity, and costs as may be awarded thereon, or until the said ship shall be otherwise released by due course of law;

Now, therefore, we [state names, addresses, and description of sureties] jointly and severally submit ourselves to the jurisdiction of this Court, or of any other competent Court in England or Ireland in which any proceedings may be instituted in respect of the said injury, or to recover such indemnity, and consent that if the owners, agent, master, or consignee of the said ship shall not pay all such compensation, indemnity, and costs as may be awarded thereon execution may issue forthwith against us, our heirs, executors, and administrators, goods and chattels, for a sum not exceeding                      pounds.

[Signatures of Sureties.]

This bail bond was signed by the said  
and  
the sureties, the                      day of                      ,  
19                      .

Before me,

Registrar.

[or Clerk to the Registrar nominated  
to take affidavits.]

FORM 34.

Rule 42.

*Application for Appointment of new Arbitrator, Schedule II., Paragraph 8.*  
*[Not to be printed, but to be used as a Precedent.]*

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_  
 In the matter of the Workmen's Compensation Act, 1906.  
 In the matter of an Arbitration between

A.B. \_\_\_\_\_ of (address) \_\_\_\_\_  
 (description) \_\_\_\_\_ Applicant

\_\_\_\_\_ and \_\_\_\_\_  
 C.D. & Co., Limited, \_\_\_\_\_ of (address) \_\_\_\_\_ Respondents  
 (description) \_\_\_\_\_

Application is hereby made to the judge on behalf of the above-named \_\_\_\_\_  
 to appoint a new arbitrator in the above-mentioned \_\_\_\_\_  
 matter in the place of Mr. \_\_\_\_\_, the arbitrator appointed therein,  
 by reason of the death [or refusal [or inability] to act] of the said \_\_\_\_\_  
 Mr. \_\_\_\_\_.

And the applicant hereby requests that a time and place may be fixed for  
 the hearing of the application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ Signed \_\_\_\_\_  
 \_\_\_\_\_ Applicant.  
 [or \_\_\_\_\_  
 \_\_\_\_\_ Applicant's Solicitor.]

FORM 35.

Rule 42.

*Summons on Application for Appointment of new Arbitrator.*  
*[Title as in Application.]*

You are hereby summoned to attend before the judge in chambers at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ at the hour \_\_\_\_\_  
 of \_\_\_\_\_ in the \_\_\_\_\_ noon, on the hearing of an application on \_\_\_\_\_  
 the part of \_\_\_\_\_ for the appointment by the judge of a new \_\_\_\_\_  
 arbitrator in the above-mentioned matter in the place of Mr. \_\_\_\_\_,  
 the arbitrator appointed therein, by reason of the death [or refusal [or \_\_\_\_\_  
 inability] to act] of the said Mr. \_\_\_\_\_.

And take notice, that in default of your attendance at the time and place  
 above-mentioned, the judge will, on proof of the service of this summons,  
 proceed to hear and dispose of the said application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
 To \_\_\_\_\_ Registrar.  
 and to his [or their] \_\_\_\_\_  
 Solicitor. \_\_\_\_\_

FORM 36.

Rule 43.

*Form of Memorandum under Paragraph 9 of Schedule II.*  
*(i.) In case of Injury to Workman by Accident.*

To the Registrar of the \_\_\_\_\_ holden at \_\_\_\_\_  
 County Court of \_\_\_\_\_  
 In the Matter of the Workmen's Compensation Act, 1906,  
 and \_\_\_\_\_  
 In the Matter of an Arbitration between \_\_\_\_\_

Name. \_\_\_\_\_ of \_\_\_\_\_ Applicant,  
 Address. \_\_\_\_\_  
 Description. \_\_\_\_\_ and \_\_\_\_\_

Name. \_\_\_\_\_ of \_\_\_\_\_ Respondents.  
 Address. \_\_\_\_\_  
 Description. \_\_\_\_\_

[Or, where the matter has been decided by agreement without arbitration],

In the Matter of an Agreement between  
of

and

of

Name.  
Address.  
Description.

Name.  
Address.  
Description.

Be it remembered, that on the                      day of                      19                      , personal injury was caused at (*state place of accident*) to the above-named a workman under no legal disability, [or an infant of the age of                      years,] by accident arising out of and in the course of his employment.

And that on the                      day of                      19                      , the following agreement was come to by and between the said                      and the said                     

that is to say:

[or And that on the                      day of                      19                      , the following decision was given by a committee representative of the said                      and their workmen, having power to settle matters under the above-mentioned Act in the case of the said                      and their workmen, that is to say:]

[or And that on the                      day of                      19                      , the following award was made and given by me, the undersigned                      , being an arbitrator agreed on by the said                      and the said                      , that is to say:]

[Here set out copy of agreement, decision, or award.]

[If a medical referee has been appointed to report, add:—

A copy of the report of Mr.                      , a medical referee appointed to report in the above-mentioned matter, is hereunto annexed.

[Add, if so, The said Mr.                      attended the arbitration on the                      day of                      19                      .]

You are hereby requested to record this memorandum, pursuant to paragraph 9 of the second schedule to the above-mentioned Act.

Dated this                      day of                      19                      .

To be signed  
in accordance  
with Rule 44,  
pars. 1, 2.

NOTE.—This form to be adapted to the circumstances of the case and the matter decided.

(ii.) In case of Injury to Workman by Industrial Disease.

To the Registrar of the  
County Court of                     

holden at

In the Matter of the Workmen's Compensation Act, 1906,  
and

In the Matter of an Arbitration between  
of

and

of

Applicant, Name.  
Address.  
Description.

Respondents. Name.  
Address.  
Description.

[Or, where the matter has been decided by agreement without arbitration],

In the Matter of an Agreement between

Name.  
Address.  
Description.

of

and

Name.  
Address.  
Description.

of

Be it remembered,  
That on the            day of           , Mr.  
the certifying surgeon appointed under the Factory and Workshop Act,  
1901, for the district of            [or Mr.  
one of the medical referees appointed by the Secretary of State for the  
purposes of the Workmen's Compensation Act, 1906,] certified that A.B.  
of           , a workman under no legal disability, [or an infant  
of the age of            years,] was suffering from  
a disease coming within section 8 of the Workmen's Compensation Act,  
1906, and was thereby disabled from earning full wages at the work at  
which he was employed.

[or That on the            day of           ,  
A.B.            of           , a workman  
under no legal disability, [or an infant of the age of            years,] was, in pur-  
suance of special rules [or regulations] made under the Factory and Work-  
shop Act, 1901, suspended from his usual employment on account of his  
having contracted           , a disease coming within  
section 8 of the Workmen's Compensation Act, 1906;

And that the said A.B.            alleged that the above mentioned  
disease was due to the nature of his employment in           .  
[describe employment], and that he was last employed in such employment  
within the twelve months previous to the date of disablement or suspension  
by C.D. & Co., Limited,            of           ].

And that on the            day of            19           , the following  
agreement was come to by and between the said             
and the said           ,  
that is to say:

[or And that on the            day of            19           , the following  
decision was given by a committee representative of the said             
and their workmen, having power to settle matters under the  
above-mentioned Act in the case of the said             
and their workmen, that is to say:]

[or And that on the            day of            19           , the following  
award was made and given by me, the undersigned           ,  
being an arbitrator agreed on by the said             
and the said           , that is to say:]

[Here set out copy of agreement, decision, or award.]



*[If a medical referee has been appointed to report, add:—*

A copy of the report of Mr. \_\_\_\_\_, a medical referee appointed to report in the above-mentioned matter, is hereunto annexed.  
*[Add, if so, The said Mr. \_\_\_\_\_ attended the arbitration on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.]*

You are hereby requested to record this memorandum, pursuant to paragraph 9 of the second schedule to the above-mentioned Act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ .

To be signed  
in accordance  
with Rule 44.  
pars. 1, 2.

NOTE.—*This form to be adapted to the circumstances of the case and the matter decided.*

(iii.) *Where Death resulted from the Injury.*

To the Registrar of the County Court of  
holden at \_\_\_\_\_

In the Matter of the Workmen's Compensation Act, 1906,  
and

In the Matter of an Arbitration between  
of \_\_\_\_\_

Applicant,

Name.  
Address.  
Description.

and  
of \_\_\_\_\_

Respondents.

Name.  
Address.  
Description.

*[Or, where the matter has been decided by agreement without arbitration],*

In the Matter of an Agreement between  
of \_\_\_\_\_

and  
of \_\_\_\_\_

Name.  
Address.  
Description.

Name.  
Address.  
Description.

Be it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_, personal injury was caused at (state place of accident) to \_\_\_\_\_

late of \_\_\_\_\_ deceased, by accident arising out of and in the course of his employment, and that on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_, the said \_\_\_\_\_ died as the result of such injury.

And that on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_, the following agreement was come to by and between \_\_\_\_\_

the dependants of the said \_\_\_\_\_ within the meaning of the above-mentioned Act, and the said \_\_\_\_\_

that is to say:

*[Or And that on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_,*

the following decision was given by a committee representative of the said \_\_\_\_\_

and their workmen, having power to settle matters under the above-mentioned Act in the case of the said \_\_\_\_\_ and their workmen, that is to say:]

*[Or And that on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_, the following award was made and given by me, the undersigned \_\_\_\_\_]*

being an arbitrator agreed on by

the dependants of the said

within the meaning of the above-mentioned Act, and the said

, that is to say:]

[Here set out copy of agreement, decision, or award.]

[If a medical referee has been appointed to report, add:—

A copy of the report of Mr.

a medical referee appointed to report in the above-mentioned matter, is hereunto annexed.

[Add, if so, The said Mr.

attended the arbitration on the                      day of                      19 .]

You are hereby requested to record this memorandum, pursuant to paragraph 9 of the second schedule to the above-mentioned Act.

Dated this                      day of                      19 .

To be signed  
in accordance  
with Rule 44,  
pars. 1, 2.

NOTE.—This form to be adapted to the circumstances of the case and the matter decided.

(iv.) *Where Death resulted from Industrial Disease.*

To the Registrar of the County Court of  
holden at

In the Matter of the Workmen's Compensation Act, 1906,  
and

In the Matter of an Arbitration between

Name.  
Address.  
Description.

of

Applicant,

and

Name.  
Address.  
Description.

of

Respondents.

[Or, where the matter has been decided by agreement without arbitration],

In the Matter of an Agreement between

Name.  
Address.  
Description.

of

and

Name.  
Address.  
Description.

of

Be it remembered,

That on the                      day of                      , Mr.  
the certifying surgeon under the Factory and Workshop Act, 1901, for the  
district of                      [or Mr.                      one of the medical  
referees appointed by the Secretary of State for the purposes of the Work-  
men's Compensation Act, 1906], certified that A.B.                      of  
was suffering from                      , a disease coming within section 8 of the  
Workmen's Compensation Act, 1906, and was thereby disabled from earning  
full wages at the work at which he was employed; and on the  
day of                      the said A.B.                      died, his death being caused  
by the said disease;

[Or, That on the                      day of                      A.B. of                      was in pursuance of special rules [or regulations] made under the Factory and Workshop Act, 1901, suspended from his usual employment on account of his having contracted                      , a disease coming within section 8 of the Workmen's Compensation Act, 1906, and on the day of                      the said A.B.                      died, his death being caused by the said disease:]

[Or, that on the                      day of                      A.B.                      late of                      died, his death being caused by                      , a disease coming within section 8 of the Workmen's Compensation Act, 1906;

And that the dependants of the said A.B.                      alleged that the above-mentioned disease was due to the nature of the employment of the said A.B.                      in                      (describe employment), and that he was last employed in such employment within the twelve months previous to his disablement or suspension [or, if the workman died without having obtained a certificate of disablement, or was not at the time of his death in receipt of a weekly payment on account of disablement, within the twelve months previous to his death] by C.D. & Co., Limited,                      of                      ].

And that on the                      day of                      19                      , the following agreement was come to by and between

the dependants of the said                      ,  
within the meaning of the above-mentioned Act, and the said                      ,

that is to say:

[Or And that on the                      day of                      , 19                      , the following decision was given by a committee representative of the said

and their workmen, having power to settle matters under the above-mentioned Act in the case of the said                      ,  
and their workmen, that is to say:]

[Or And that on the                      day of                      , 19                      , the following award was made and given by me, the undersigned                      ,  
being an arbitrator agreed on by

the dependants of the said                      ,  
within the meaning of the above-mentioned Act, and the said                      ,  
that is to say:]

[Here set out copy of agreement, decision, or award.]

[If a medical referee has been appointed to report, add:—

A copy of the report of Mr.                      ,  
a medical referee appointed to report in the above-mentioned matter, is hereunto annexed.

[Add, if so, The said Mr.                      ,  
attended the arbitration on the                      day of                      19                      .]

You are hereby requested to record this memorandum, pursuant to paragraph 9 of the second schedule to the above-mentioned Act.

Dated this                      day of                      19                      .

To be signed  
in accordance  
with Rule 44,  
pars. 1, 2.

NOTE.—This form to be adapted to the circumstances of the case and the matter decided.

## FORM 37.

Rules 43 (3), 51. *Information to be supplied where a Memorandum of an Agreement as to the redemption of a weekly payment by a lump sum, or as to the amount of compensation payable to a person under any legal disability, or to dependants, or as to the amount of compensation payable in the form of a weekly payment or of a lump sum to a workman who is an insured person within the meaning of the National Insurance Act, 1911 (1 & 2 Geo. 5. c. 55), is presented for registration. Schedule II., paragraph 9; 1 & 2 Geo. 5. c. 55, s. 11 (1) (c); Rules 43 (3), 51 (1).*

*A. In case of agreement with injured workman.*

*[Heading as in Memorandum.]*

(a.) A.B. \_\_\_\_\_ named in the memorandum of agreement presented for registration in this matter was at the date of the accident [or disablement or suspension] \_\_\_\_\_ years of age.

(b.) He was employed as \_\_\_\_\_, and his average weekly earnings computed in accordance with the above-mentioned Act were \_\_\_\_\_

(c.) He was injured by \_\_\_\_\_, and the nature of his injury was as follows:

(d.) He was totally incapacitated for work for a period of \_\_\_\_\_, but recovered and was fit to resume his ordinary work on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_:

[or He was and is at present totally incapacitated for work, but is expected to recover and to be fit to resume his ordinary work in about \_\_\_\_\_]:

[or He was totally incapacitated for work for a period of \_\_\_\_\_, and is now partially incapacitated, but such partial incapacity is not likely to be permanent, and he is expected to recover and to be fit to resume his ordinary work in about \_\_\_\_\_]:

[or He was and is totally incapacitated for work, and such incapacity is likely to be permanent]:

[or He was totally incapacitated for work for a period of \_\_\_\_\_, and is still partially incapacitated, and such partial incapacity is likely to be permanent, but he is able to do light work, and it is estimated that he is able to earn an average weekly amount of \_\_\_\_\_ in some suitable employment or business]:

[or as the case may be].

(e.) The said \_\_\_\_\_ received the following payments, allowances, or benefits from his employers previous to the date of the agreement, viz.:—

[Here state payments made, and where a weekly payment has been made, the amount of such payment, and the period for which it was paid.

Rule 51 (1).

(f.) The said \_\_\_\_\_ is [or is not] an insured person within the meaning of the National Insurance Act, 1911 [add, if he is an insured person, and the name and address of the Insurance Commissioners [or of the society or committee] concerned in the administration of the benefit to which he is entitled under the said Act are as follows:—

[State name and address.]

To be signed  
in accordance  
with Rule 44,  
par. 2.

Dated this \_\_\_\_\_

day of \_\_\_\_\_

19 \_\_\_\_\_

*B. Where death resulted from the injury or industrial disease.*

*[Heading as in Memorandum.]*

(a.) A.B. named in the memorandum of agreement presented for registration in this matter, was at the date of the accident [or disablement or suspension or death] years of age.

(b) He was employed as , and his earnings in the employment of during the three years next preceding the injury in the said memorandum mentioned [or his average weekly earnings during the period of his employment under ] were

(c.) He left the following dependants wholly dependent upon his earnings, and the following dependants partially dependent, viz.:—

*[Here state dependants, with their relationship to the deceased, and particulars showing how and to what extent they were dependent.]*

*[Or He left no dependants wholly dependent upon his earnings, but left the following dependants partially dependent, viz.:—*

*[Here state dependants, with their relationship to the deceased, and particulars showing how and to what extent they were dependent.]*

(d.) The said received the following payments, allowances, or benefits from his employers after the accident [or disablement or suspension] viz.:—

Dated this day of 19 .

To be signed  
in accordance  
with Rule 44,  
par. 2.

FORM 38.

*Notice of Memorandum having been received.*

Rule 45.

In the County Court of holden at

*[Heading as in Memorandum.]*

TAKE NOTICE, that a memorandum, copy of which is hereto annexed, has been sent to me for registration.

Such memorandum appears to affect you.

I have therefore to request you to inform me within 7 days from this date whether you admit the genuineness of the memorandum, or whether you dispute it, and if so, in what particulars, or object to its being recorded, and if so, on what grounds.

If you do not inform me in due course that you dispute the genuineness of the memorandum or object to its being recorded, it may be recorded without further inquiry, and will be enforceable accordingly.

If you dispute its genuineness or object to its being recorded, it will not be recorded, except with your consent in writing, or by order of the judge of this Court.

Dated this                      day of                      .

Registrar.

To (*all parties interested*).

---

FORM 39.

Rule 47.

*Notice disputing Memorandum, or objecting to its being recorded.*

[*Not to be printed, but to be used as a Precedent.*]

In the County Court of

holden at

[*Heading as in Memorandum.*]

TAKE NOTICE, that the undersigned C.D. & Co., of                      &c.,  
dispute the genuineness of the memorandum sent to you for registration in  
the above-mentioned matter in the following particulars:—

[*here state particulars.*]

[*or* TAKE NOTICE, that the undersigned C.D. & Co., of                      &c.,  
object to the memorandum sent to you for registration in the above-  
mentioned matter being recorded, on the following grounds:—

[*here state grounds—see particularly Schedule 2, par. 9, proviso (b),  
as applied by 1 & 2 Geo. 5. c. 55, Section 11 (1) (c).*]

Dated this

day of

C.D. & Co., Limited,

by

Secretary.

[*or*

Solicitors for C.D. & Co., Limited.]

To

The Registrar.

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FORM 40.

Rule 48.

*Notice that Memorandum is disputed, or of Objection to its being recorded.*

[*Heading as in Memorandum.*]

TAKE NOTICE, that the genuineness of the memorandum in the above-  
mentioned matter left with [or sent to] me for registration is disputed by  
of                      , a party affected by such memorandum, in the following  
particulars:

[*here state particulars of dispute.*]

[*or that*                      of                      , a party interested in the memorandum  
in the above-mentioned matter left with [or sent to] me for registration  
objects to the same being recorded, on the following grounds:

[*here state grounds.*]

The memorandum will therefore not be recorded, except with the consent  
in writing of the said                      , or by order of the judge of this Court.

Dated this

day of

Registrar.

To (*all parties interested*).

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## FORM 41.

*Notice of Application for Registration of Memorandum or for Ratification of Register.* Rule 50.

[Not to be printed, but to be used as a Precedent.]

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_  
[Heading as in Memorandum.]

TAKE NOTICE, that I intend to apply to the judge at \_\_\_\_\_  
on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, at the hour of \_\_\_\_\_  
o'clock in the \_\_\_\_\_ noon [in case of notice by solicitor, on \_\_\_\_\_  
behalf of \_\_\_\_\_ of \_\_\_\_\_], for an  
order for the registration of the memorandum sent to the registrar in the  
above-mentioned matter [or for an order for the rectification of the  
memorandum recorded in the above-mentioned matter] by (state particulars  
of rectification applied for),  
and for consequential directions, and for costs.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ Applicant.  
[or \_\_\_\_\_  
Applicant's Solicitor.]

To the Registrar of the Court  
and to \_\_\_\_\_  
and to (all parties interested).

## FORM 42.

*Notice to Parties where Registrar refers the Question of recording a Memorandum of an Agreement to the Judge under Schedule II., Paragraph 9, Proviso (d), as applied by 1 & 2 Geo. 5. c. 55, Section 11 (1) (c).* Rule 51 (5, 6).

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_  
[Heading as in Memorandum.]

TAKE NOTICE, that I have refused to record the memorandum sent to me  
in this matter for registration, and have referred the matter to the judge,  
pursuant to proviso (d) to paragraph 9 of the second schedule to the Act,  
it appearing to me that the said memorandum ought not to be registered by  
reason of—

- (a) the inadequacy of the lump sum agreed to be paid in redemption of  
the weekly payment referred to in the memorandum; or
- (b) the inadequacy of the amount of compensation agreed to be paid  
to \_\_\_\_\_, a person under legal disability; or
- (c) the inadequacy of the amount of compensation agreed to be paid  
to \_\_\_\_\_ and \_\_\_\_\_, dependants; or
- (d) the agreement having been obtained by fraud [or undue influence  
or improper means].

AND FURTHER TAKE NOTICE, that by order of the judge you are hereby  
summoned to attend before the judge at a Court to be holden at \_\_\_\_\_  
on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ in the  
\_\_\_\_\_ noon, when the matter will be inquired into by the judge;

And that if you do not attend either in person or by your solicitor on the  
day and at the hour above mentioned such order will be made and proceed-  
ings taken as the judge may think just and expedient.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ Registrar.

To (all parties interested).

## FORM 43.

Rule 52 (1). *Application for Removal of Record of Memorandum of Agreement from Register under Schedule II., Paragraph 9, Proviso (e).*

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_

[*Heading as in Memorandum.*]

TAKE NOTICE that I intend to apply to the judge at \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, for an order for the removal from the register of the record of the memorandum of the agreement in the above-mentioned matter which was recorded on the \_\_\_\_\_ day of \_\_\_\_\_, pursuant to proviso (e) to paragraph 9 of the second schedule to the above-mentioned Act, on the ground that the said agreement was obtained by fraud [or undue influence or improper means], and for consequential directions, and for costs.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Applicant.  
[Or Applicant's Solicitor.]

To the Registrar of the Court  
and to (all parties interested).

## FORM 44.

Rule 52 (2). *Notice to Parties where Judge directs Inquiry as to Removal of Record of Memorandum of Agreement from Register under Schedule II., Paragraph 9, Proviso (e).*

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_

[*Heading as in Memorandum.*]

WHEREAS it has been made to appear to the judge that an inquiry should be held as to the removal from the register of the record of the memorandum of the agreement in the above-mentioned matter which was recorded on the \_\_\_\_\_ day of \_\_\_\_\_, pursuant to proviso (e) to paragraph 9 of the second schedule to the above-mentioned Act, on the ground that the said agreement was obtained by fraud [or undue influence or improper means]:

TAKE NOTICE, that you are hereby summoned to attend before the judge at a Court to be holden at \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, when the matter will be inquired into by the judge;

AND that if you do not attend either in person or by your solicitor on the day and at the hour above-mentioned such order will be made and proceedings taken as the judge may think just and expedient.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Registrar.

To (all parties interested).

## FORM 45.

Rule 54 (1). *Form of Certificate under Section 1, Sub-section 4.*

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_ No. of plaintiff.

Between

A.B.,  
of (address)  
(description)

Plaintiff.

and

C.D. & Co., Limited,  
of (address)  
(description)

Defendants.

And in the matter of the Workmen's Compensation Act, 1906.



I hereby certify that on                      day of                      the above-named plaintiff commenced the above-named action against the above-named defendants claiming

[here state claim of plaintiff in action.]

And that on the trial of the said action on the                      day of                      it was determined that the injury in respect of which the plaintiff claimed damages in the said action was one for which the defendants were not liable in the said action, but that such defendants would have been liable to pay compensation in respect of such injury under the above-mentioned Act;

And that thereupon the said action was dismissed, but the Court, on the request of the plaintiff, proceeded to assess the compensation which the defendants would have been liable to pay under the said Act.

And that the Court assessed such compensation at the sum of £                      and directed (*state directions given as to payment of compensation, and directions, if any given, as to costs, and as to the deduction from the compensation of any costs which in the judgment of the Court were caused by the plaintiff bringing the action instead of proceeding under the Act*).

Dated this                      day of                      .

Registrar.

#### FORM 46.

*Application for Summons of Medical Referee as Assessor.*

Rule 55 (1).

[Not to be printed, but to be used as a Precedent.]

[Heading as in Request for Arbitration.]

The applicant [or respondent] applies to the judge to summon a medical referee to sit with him as an assessor, on the ground that questions are likely to arise in the arbitration as to the condition of the applicant or his fitness for employment [or as the case may be], and that it is desirable that the judge should have the assistance of a medical referee in the determination of such questions.

Dated this                      day of                      .

To the Registrar  
of the Court.

(Signed) A.B.

Applicant.

or

Solicitor for the Applicant.  
[or as the case may be.]

I consent to a medical referee being summoned to sit with me as an assessor.

Judge.

#### FORM 47.

*Notice of Refusal to summon Medical Referee as Assessor.*

Rule 55 (3).

[Heading as in Request for Arbitration.]

I hereby give you notice that his Honour the Judge of this Court has directed me to inform you that your application for a medical referee to be summoned to sit with the judge as an assessor is refused, the judge being of opinion that the summoning of a medical referee is unnecessary.

Dated this                      day of                      .

Registrar.

To  
[the applicant  
for an assessor.]

## FORM 48.

Rule 55 (4).

*Summons to Medical Referee to sit as Assessor.**[Title as in Request for Arbitration.]*

The day of

Sir,

You are hereby summoned to attend and sit with the Judge as an assessor at the court-house situate at  
 on the day of at the hour of  
 in the noon.

I am, Sir,

Your obedient servant,

To  
of

Registrar.

## FORM 49.

Rule 57 (2).

*Application for Reference to Medical Referee under Schedule I., Paragraph 15.**[Not to be printed, but to be used as a Precedent.]*

In the County Court of holden at

In the matter of the Workmen's Compensation Act, 1906.

In the matter of a Claim for compensation made by A.B.  
of , against C.D. & Co., Limited , of .*[or, where an arbitration is pending,*In the matter of an arbitration between A.B.  
of (address)  
(description)

Applicant,

and

C.D. & Co., Limited ,  
of (address)  
(description)

Respondents.

*[or, where application is made after weekly payment has been settled,*In the matter of an agreement *[or a decision or an award or a certificate]*  
recorded in the above-mentioned Court as to the weekly payment  
payable to A.B. , of , by C.D. & Co.,  
Limited , of

Application is hereby made to the Court on behalf of the above-named A.B. and C.D. & Co., Limited, for a reference in the above-mentioned matter to a medical referee pursuant to paragraph 15 of the first schedule to the above-mentioned Act under the following circumstances:—

1. On the day of notice was given by *[or on behalf of]* the above-mentioned A.B. to the above-mentioned C.D. & Co., Limited , of personal injury caused to the said A.B. by accident arising out of and in the course of his employment, in respect of which injury the said A.B. claims compensation from the said C.D. & Co., Limited, under the said Act.

*[or, where arbitration is pending,*

1. An arbitration under the said Act is pending between the above-mentioned A.B. and the above-mentioned C.D. & Co., Limited, as to the amount of compensation payable to the said A.B. under the said Act in respect of personal injury caused to him by accident arising out of and in the course of his employment.]

[or, where weekly payment has been settled,

1. Under an agreement [or a decision or an award or a certificate] in the above-mentioned matter, recorded in this Court on the      day of      , a weekly payment is payable to the above-mentioned A.B.      by the above-mentioned C.D. & Co., Limited,      as compensation in respect of personal injury caused to the said A.B. by accident arising out of and in the course of his employment.]

2. The weekly payment claimed by [or payable to] the said A.B. is

3. A question has [or Questions have] arisen between the said A.B. and the said C.D. & Co., Limited,      as to the condition [or fitness for employment] of the said A.B.      [or as to whether [or to what extent] the incapacity of the said A.B.      is due to the accident], [or as to the condition [or fitness for employment] of the said A.B.      and as to whether [or to what extent] the incapacity of the said A.B.      is due to the accident], and no agreement can be come to between the said C.D. & Co., Limited,      and the said A.B.      with reference to such question [or questions].

4. The said A.B.      has submitted himself for examination by a medical practitioner provided by the said C.D. & Co., Limited,      [or has been examined by a medical practitioner selected by himself] [or, if so, the said A.B.      has submitted himself for examination by a medical practitioner provided by the said C.D. & Co., Limited,      and has also been examined by a medical practitioner selected by himself], and a copy of the report of the said practitioner is [or copies of the reports of the said practitioners are] annexed to this application.

The applicants request that an order may be made referring the matter to a medical referee for his certificate as to the condition of the said A.B.      and his fitness for employment, specifying if necessary the kind of employment for which he is fit [or for his certificate whether [or to what extent] the incapacity of the said A.B. is due to the accident] [or for his certificate as to the condition of the said A.B.      and his fitness for employment, specifying if necessary the kind of employment for which he is fit, and as to whether [or to what extent] the incapacity of the said A.B.      is due to the accident].

Dated this      day of      .

(Signed)

Applicant.

[or Applicant's Solicitor.

C.D. & Co., Limited,

by      Secretary,

[or

Solicitors for C.D. & Co., Limited.]

To the Registrar.

#### FORM 50.

#### *Order of Reference, Schedule I., Paragraph 15.*

Rule 57 (3).

In the County Court of      holden at      .

[Heading as in Application.]

On the application of A.B.      of      and C.D. & Co., Limited,      of      (a copy of which is hereto annexed), I hereby appoint Mr.      of      , one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1906, to examine the said      (name of workman), and to give his certificate as to the condition of the said      and his fitness of employment, specifying if necessary the kind of employment for which he is fit [or his certificate whether [or to what extent] the

incapacity of the said \_\_\_\_\_ is due to the accident] [or his certificate as to the condition of the said \_\_\_\_\_ and his fitness for employment, specifying if necessary the kind of employment for which he is fit, and as to whether [or to what extent] the incapacity of the said \_\_\_\_\_ is due to the accident].

Copies of the reports of the medical practitioners by whom the said \_\_\_\_\_ has been examined are hereto annexed.

The said \_\_\_\_\_, who is now at \_\_\_\_\_, has been directed to submit himself for examination by the referee.

I am satisfied that the said \_\_\_\_\_ is in a fit condition to travel for the purpose of being examined, and he has been directed to attend on the referee for examination at such time and place as may be fixed by the referee.

[or The said \_\_\_\_\_ does not appear to be in a fit condition to travel for the purpose of being examined.]

The referee is requested to forward his certificate to the Registrar at the County Court Office situate at \_\_\_\_\_ on or before the \_\_\_\_\_ day of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Registrar.

#### FORM 51.

##### *Order on Injured Workman to submit himself for Examination by Medical Referee.*

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_.

[*Heading as in Application.*]

To A.B. \_\_\_\_\_, of \_\_\_\_\_ [address and description].

TAKE NOTICE, that I have appointed Mr. \_\_\_\_\_, of \_\_\_\_\_, one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1906, to examine you in accordance with the application in the above-mentioned matter for a reference to a medical referee.

You are hereby required to submit yourself for examination by the referee [*add, where workman is in a fit condition to travel*, and to attend for that purpose at such time and place as may be fixed by him].

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Registrar.

#### FORM 52.

##### *Notice to Parties of Certificate of Medical Referee.*

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_.

[*Heading as in Application.*]

TAKE NOTICE, that I have received the certificate of the medical referee appointed in this matter, and that you may inspect the same during office hours at my office situate at \_\_\_\_\_, and may on request and at your own cost be furnished with or take a copy thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

To \_\_\_\_\_  
and \_\_\_\_\_  
\_\_\_\_\_  
Registrar.

## FORM 53.

*Notice of Application for Suspension of Right to Compensation or to take or prosecute Proceedings in relation to Compensation, or of Right to Weekly Payments, under Schedule I., Paragraph 4, Paragraph 14, or Paragraph 15, and Rule 58.* Rule 58 (5).

[Not to be printed, but to be used as a Precedent.]

In the County Court of

holden at

In the matter of the Workmen's Compensation Act, 1906.

In the matter of a claim for compensation made by A.B.  
of against C.D. & Co., Limited, of

[or, where an arbitration is pending,

In the matter of an arbitration between  
A.B.

of (address)  
(description)

Applicant,

and

C.D. & Co., Limited,  
of (address)  
(description)

Respondents.]

[or, where application is made after weekly payment has been settled,

In the matter of an agreement [or a decision or an award or a certificate] recorded in the above-mentioned court as to the weekly payment payable to A.B.  
of  
by C.D. & Co., Limited,  
of .]

TAKE NOTICE, that I intend to apply to the judge at  
on the day of at the hour of in  
the noon [on behalf of Messrs. C.D. & Co., Limited, of, &c.,  
] for an order suspending your right to compensation  
in the above-mentioned matter and to take or prosecute any proceedings  
under the above-mentioned Act in relation to compensation [or suspending  
your right to weekly payments in the above-mentioned matter], on the  
ground that you refuse to submit yourself to medical examination as required by me [or by the said C.D. & Co., Limited], in accordance with paragraph 4 [or paragraph 14] of the first schedule to the Act [or that you obstruct the medical examination required by me [or by the said C.D. & Co., Limited,] in accordance with paragraph 4 [or paragraph 14] of the first schedule to the Act], [or on the ground that you refuse to submit yourself for examination by a medical referee as ordered under paragraph 15 of the first schedule to the Act, or that you obstruct the examination by a medical referee ordered under paragraph 15 of the first schedule to the Act], and for consequential directions, and for costs.

Dated this day of

To A.B., of  
and to Messrs.  
his Solicitors

(Signed) C.D. & Co., Limited,  
by Secretary.

[Or  
Solicitors for C.D. & Co., Limited.]

## FORM 54.

Rule 60 (4).

*Præcipe for Payment into Court under Schedule I., Paragraph 5, and Rule 60.**[Not to be printed, but to be used as a Precedent.]*

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_

In the matter of the Workmen's Compensation Act, 1906,  
and

In the matter of an Arbitration between

A.B.

of, &amp;c.

Applicant

and

C.D. &amp; Co., Limited,

of, &amp;c.

Respondents

or

*[In the matter of an Agreement between*

A.B.

of, &amp;c.

and

C.D. &amp; Co., Limited,

of, &amp;c.

]

or

*[In the matter of a Certificate given in an action in (state court).*

Between

A.B.

of, &amp;c.

Plaintiff

and

C.D. &amp; Co., Limited,

of, &amp;c.

Defendants]

*[or as the case may be.]*

TAKE NOTICE, that C.D. & Co., Limited, of \_\_\_\_\_  
 [or Messrs. \_\_\_\_\_ solicitors for C.D. & Co., Limited,  
 of \_\_\_\_\_] do pay into court \_\_\_\_\_ *[when paid by solicitors,*  
*add at the request and by the authority of the said C.D. & Co., Limited,*  
 \_\_\_\_\_], the sum of *(state sum in letters* \_\_\_\_\_, being the  
 sum awarded *[or agreed or directed]* to be paid by the said C.D. & Co.,  
 Limited, \_\_\_\_\_ as compensation in the above-mentioned matter.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

(Signed) C.D. & Co., Limited,  
by \_\_\_\_\_,

Secretary,

*[Or**Solicitors for C.D. & Co., Limited.]*

To the Registrar.

Received the above-mentioned sum of \_\_\_\_\_

Registrar.

*[Date.]*

## FORM 55.

*Præcipe for Payment into Court under Schedule I., Paragraph 5, and Rule 61, where there is no dispute as to the liability to pay Compensation, but the Amount payable has not been ascertained or decided by Arbitration or Agreement.* Rule 61 (2).

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_  
No. of matter. \_\_\_\_\_

In the matter of the Workmen's Compensation Act, 1906,  
\_\_\_\_\_ and \_\_\_\_\_

In the matter of an injury by accident to A.B. \_\_\_\_\_ late  
of \_\_\_\_\_, which resulted in the death of the  
said A.B.

## TAKE NOTICE,

1. That on the \_\_\_\_\_ day of \_\_\_\_\_ personal injury by accident  
arising out of and in the course of his employment was caused at  
(state place of accident) to A.B.

\_\_\_\_\_, late of \_\_\_\_\_ deceased, a workman employed by  
[or by \_\_\_\_\_, a contractor with \_\_\_\_\_ for  
the execution of work undertaken by them,] and on the \_\_\_\_\_ day  
of \_\_\_\_\_ the death of the said A.B. \_\_\_\_\_ resulted from the  
injury.

[Or in case of industrial disease,

## TAKE NOTICE,

1. That on the \_\_\_\_\_ day of \_\_\_\_\_  
Mr. \_\_\_\_\_ the certifying surgeon under the Factory and Workshop  
Act, 1901, for the district of \_\_\_\_\_ [or Mr. \_\_\_\_\_ one  
of the medical referees appointed by the Secretary of State for the purposes  
of the Workmen's Compensation Act, 1906,] certified that A.B.  
of \_\_\_\_\_ was suffering from \_\_\_\_\_, a disease coming  
within section 8 of the Workmen's Compensation Act, 1906, and was thereby  
disabled from earning full wages at the work at which he was employed;  
and on the \_\_\_\_\_ day of \_\_\_\_\_ the said A.B. \_\_\_\_\_ died,  
his death being caused by the said disease.]

[Or, That on the \_\_\_\_\_ day of \_\_\_\_\_ A.B. \_\_\_\_\_,  
of \_\_\_\_\_ was in pursuance of special rules [or regulations] made  
under the Factory and Workshop Act, 1901, suspended from his usual  
employment on account of his having contracted \_\_\_\_\_, a disease coming  
within section 8 of the Workmen's Compensation Act, 1906, and on the  
day of \_\_\_\_\_ the said A.B. \_\_\_\_\_ died, his death being  
caused by the said disease.]

[Or That on the \_\_\_\_\_ day of \_\_\_\_\_ A.B. \_\_\_\_\_ late  
died, his death being caused by \_\_\_\_\_, a disease  
coming within section 8 of the Workmen's Compensation Act, 1906;

And that the dependants of the said A.B. \_\_\_\_\_ allege that the above-men-  
tioned disease was due to the nature of the employment of the said A.B.  
in \_\_\_\_\_ (describe employment), and that he was last employed  
in such employment within the twelve months previous to his disablement or  
suspension [or, if the workman died without having obtained a certificate of  
disablement, or was not at the time of his death in receipt of a weekly pay-  
ment on account of disablement, within the twelve months previous to his  
death] by C.D. & Co., Limited, \_\_\_\_\_ of \_\_\_\_\_.]

2. There is no dispute as to the liability of the said \_\_\_\_\_ to  
pay compensation under the above-mentioned Act to the dependants of the  
said A.B. \_\_\_\_\_ in respect of the injury caused to them by the death  
of the said A.B. \_\_\_\_\_, but the amount payable as compensation has not  
been ascertained or decided either by a committee or by arbitration or by  
agreement.

3. The said \_\_\_\_\_ of \_\_\_\_\_  
[or Messrs. \_\_\_\_\_, solicitors for the said  
of \_\_\_\_\_] do therefore pay into court [when paid by

solicitors, add at the request of the said ] the sum of (state sum in letters) being the amount admitted by the said to be payable by them as compensation in the above-mentioned matter.

4. (a.) The said A.B. was at the date of the accident [or disablement or suspension or death] years of age.

(b.) He was employed as , and his earnings in the employment of the said during the three years next preceding the injury [or disablement or suspension or death] [or his average weekly earnings during the period of this employment under the said ] were

5. To the best of the knowledge and belief of the said the persons interested in the said sum as dependants of the said A.B. are

[State dependants, with their ages and relationship to deceased workman, and places of residence, as far as known.]

6. The amount admitted by the said to be payable as compensation has been arrived at as follows, viz.:—

Dated this day of

(Signed)

[or

Solicitors for

.]

To the Registrar.

Received the above-mentioned sum of inquiry as to adequacy.

, subject to

Registrar.  
(Date.)

#### FORM 56.

Rule 62 (2).

*Præcipe for Payment into Court under Schedule 1, Paragraph 5, and Rule 62, where Liability to pay Compensation is denied, but the Employer is willing to pay a Sum in Settlement.*

In the County Court of

holden at

In the matter of the Workmen's Compensation Act, 1906,  
and

In the matter of a claim for compensation made by the dependants of A.B.  
late of , deceased, against C.D.

of

#### TAKE NOTICE,

1. That a claim has been made under the above-mentioned Act by [or on behalf of] the dependants of A.B. , late of , deceased, against C.D. , of , for compensation in respect of the injury caused to such dependants by the death of the said A.B. , who died on the day of , 19 .

2. The said dependants allege that the death of the said A.B. resulted from personal injury by accident arising out of and in the course of his employment caused to the said A.B. on the day of at (state place of accident) while he was employed as a workman by the said C.D. [or by E.F. , a contractor with the said C.D. for the execution of work undertaken by them].

[Or, in case of industrial disease,

2. The said dependants allege that the death of the said A.B. was caused by , a disease coming within section 8 of the Workmen's Compensation Act, 1906, and that the above-mentioned disease was due to the nature of the employment of the said A.B. in



(describe employment), and that he was last employed in such employment within the twelve months previous to his disablement [or suspension from his usual employment], [or, if the workman died without having obtained a certificate of disablement, or was not at the time of his death in receipt of a weekly payment on account of disablement, within the twelve months previous to his death] by the said C.D. ]

3. The said C.D. deny their liability to pay compensation under the above-mentioned Act to the dependants of the said A.B. , but to avoid litigation are willing to pay the sum of £ in full settlement of all claims to such compensation, and such of the dependants of the said A.B. as are not under disability are willing to accept such sum in settlement.

4. The said C.D. , of [or Messrs. , solicitors for the said C.D. , of , do therefore pay into court [when paid in by solicitors add at the request of the said C.D. ] the sum of [state sum in letters] being the amount which they are willing to pay in full settlement of all claims to compensation in the above-mentioned matter.

5. (a.) The said A.B. was at the date of the accident [or disablement or suspension or death] years of age.

(b.) He was employed as , and his earnings in the employment of the said C.D. during the three years next preceding the injury [or disablement or suspension or death] [or his average weekly earnings during the period of his employment under the said C.D. ] were .

(c.) To the best of the knowledge and belief of the said C.D. the persons interested as dependants of the said A.B. are [state dependants, with their ages and relationship to deceased, so far as known].

6. The grounds on which the said C.D. deny their liability to pay compensation are as follows, viz.:—

Dated this day of 19 .

(Signed)  
[or

Solicitors for

].

To the Registrar,  
County Court.

Received the above-mentioned sum of , subject to inquiry as to adequacy.

Registrar.

(Date.)

#### FORM 57.

Notice to parties where Registrar refers the question of adequacy of amount paid into Court under Rule 61 or Rule 62 to the Judge. Rules'61 (7), 62 (3).

In the County Court of holden at

[Heading as in Præcipe for Payment into Court.]

TAKE NOTICE, that I have referred the question of the adequacy of the amount paid into Court in this matter to the judge.

AND FURTHER TAKE NOTICE, that by order of the judge you are hereby summoned to attend before the judge at a Court to be holden at

on the day of at the hour of in the noon, when the matter will be inquired into by the judge;

And that if you do not attend either in person or by your solicitor on the day and at the hour above mentioned such order will be made and proceedings taken as the judge may think just and expedient.

Dated this day of

Registrar.

To [the employer and the persons appearing by the præcipe to be interested in the amount paid in.]

## FORM 58.

*Notice by Registrar of Payment into Court under Schedule I., Paragraph 5.*

(i.)

Rule 60 (5). (i.) *Where amount payable has been ascertained or decided, and payment into Court is made under Rule 60.*

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_

[*Heading as in Præcipe for Payment into Court.*]

TAKE NOTICE, that the sum of \_\_\_\_\_ has been paid into Court as compensation in the above-mentioned matter.

Any person interested in the said sum may apply to the Court for an order for the investment and application of the said sum for the benefit of the persons entitled thereto in accordance with paragraph 5 of the first schedule to the Workmen's Compensation Act, 1906, and the rules of Court made under the said Act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Registrar.

To \_\_\_\_\_

(ii.)

Rules 61 (4), 62 (3). (ii.) *Where amount payable has not been ascertained or decided, and payment into Court is made under Rule 61 or Rule 62.*

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_

[*Heading as in Præcipe for Payment into Court.*]

TAKE NOTICE, that the sum of £ \_\_\_\_\_ has been paid into Court as compensation in the above-mentioned matter.

If any question arises as to the adequacy of the amount paid into Court, such question, and all questions as to who are dependants, and the amount payable to each dependant, must be settled by arbitration in accordance with the above-mentioned Act and the rules of Court made under the said Act.

If no question arises as to the adequacy of the amount paid into Court, any person interested in the said sum may apply to the Court for an order for the investment and application of the said sum for the benefit of the persons entitled thereto in accordance with paragraph 5 of the first schedule to the Workmen's Compensation Act, 1906, and the rules of Court made under the said Act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Registrar.

To \_\_\_\_\_

## FORM 59.

Rules 60 (10a) 61 (8), 62 (3). *Application for Investment or Application of Money paid into Court under Schedule I., Paragraph 5, and Rules 60, 61, 62.*

[*Not to be printed, but to be used as a Precedent.*]

(1) *Application for Investment and Application of the Sum paid into Court.*

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_

[*Heading as in Præcipe for Payment into Court.*]

TAKE NOTICE, that I [name and address of applicant] intend to apply to the judge at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, on behalf of myself and of [specify the persons on whose behalf the application is made], as dependants of the above-named A.B., for an order for the investment and application of the sum paid into court in the above-mentioned matter, and for the allotment of the same between the dependants of the said A.B.

To the best of my knowledge and belief the persons interested in the said sum as dependants of the said A.B. are

[State dependants, with their ages and relationship to deceased workman, and places of residence.]

I intend to apply for an order for the investment and application of the said sum, and for the allotment of the same between the dependants of the said A.B. as follows, viz.:

[State how applicant wishes the sum to be dealt with]

or in such other manner as the court in its discretion thinks fit for the benefit of the persons entitled thereto under the above-mentioned Act, and for consequential directions.

Dated this                      day of

(Signed)

To the Registrar and [to any other parties interested, where the application is made on behalf of some only of the parties interested].

(2) *Application for Investment and Application of the Amount allotted to any Person.*

In the County Court of                      holden at

[Heading as in *Præcipe for Payment into Court.*]

TAKE NOTICE, that I [name and address of applicant] intend to apply to the judge at                      on the                      day of                      at the hour of                      in the                      noon on behalf of myself [or of                      ] for an order for the investment and application of the sum paid into court in the above-mentioned matter and allotted to me [or to the said                      ].

I intend to apply for an order for the investment and application of the said sum as follows, viz.:

[State how applicant wishes the sum to be dealt with]

or in such other manner as the court in its discretion thinks fit for my benefit [or for the benefit of the said                      ], and for consequential directions.

Dated this                      day of

(Signed)

To the Registrar.

FORM 60.

*Application for Order for Payment into Court of Weekly Payment payable to Person under Disability. Schedule I., Paragraph 7, and Rule 63.* Rule 63.

[Not to be printed, but to be used as a Precedent.]

In the County Court of                      holden at

[Heading as in *Award, Memorandum, or Certificate.*]

TAKE NOTICE, that I [name and address of applicant] intend to apply to the judge at                      on the                      day of                      at the hour of                      in the                      noon, for an order that the weekly payment payable in the above-mentioned matter to                      a person under legal disability [or to me] be during his [or my] disability paid into court, and for consequential directions.

Dated this                      day of

(Signed)

To the Registrar  
and (to the parties  
interested).

## FORM 61.

Rule 64.

*Application for Variation of Order under Schedule I., Paragraph 9, and Rule 64.*

[Not to be printed, but to be used as a Precedent.]

[Heading as in Award, Memorandum, or Certificate.]

TAKE NOTICE, that I [name and address of applicant]  
intend to apply to the judge at \_\_\_\_\_ on \_\_\_\_\_ the  
day of \_\_\_\_\_ at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, for  
an order that the order of the court [or the award] made in the above-  
mentioned matter on the \_\_\_\_\_ day \_\_\_\_\_ as to the apportionment  
of the sum paid as compensation among the dependants of A.B.  
deceased [or as to the manner in which the sum payable to  
a dependant of A.B. deceased, should be invested, applied or  
otherwise dealt with] may be varied by directing [here state  
variation claimed by applicant]  
and for consequential directions.  
And further take notice that the circumstances in which this application is  
made are

(State particulars.)

Dated this

day of

(Signed)

Applicant.

[Or

Applicant's Solicitor.]

To the Registrar,  
and to (all persons  
interested).

## FORM 62.

Rule 66 (2).

*Application by Workman intending to cease to reside in the United Kingdom  
for Reference to Medical Referee under Schedule I., Paragraph 18.*

[Not to be printed, but to be used as a Precedent.]

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_  
In the matter of the Workmen's Compensation Act, 1906,  
and \_\_\_\_\_

In the matter of an agreement [or a decision or an award or a cer-  
tificate] recorded in the above-mentioned Court as to the weekly  
payment payable to A.B. \_\_\_\_\_ of \_\_\_\_\_  
by C.D. & Co., Limited, \_\_\_\_\_ of \_\_\_\_\_

TAKE NOTICE, that A.B. \_\_\_\_\_ of \_\_\_\_\_, to whom under  
an agreement [or a decision or an award or a certificate] in the above-  
mentioned matter recorded in this Court on the \_\_\_\_\_ day of \_\_\_\_\_  
a weekly payment of \_\_\_\_\_ is payable by the above-mentioned C.D. &  
Co., Limited, \_\_\_\_\_ as compensation for personal injury caused  
to the said A.B. \_\_\_\_\_ by accident arising out of and  
in the course of his employment, intends to cease to reside in the United  
Kingdom;

And that the said A.B. \_\_\_\_\_ intends to apply to the registrar  
at \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_  
in the \_\_\_\_\_ noon, for an order referring to a medical referee the question  
whether the incapacity of the said A.B. \_\_\_\_\_ resulting from the injury  
is likely to be of a permanent nature.

A report of a medical practitioner, setting out the nature of the  
incapacity of the said A.B. resulting from the injury is hereto annexed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

(Signed)

Applicant.

[Or

Applicant's Solicitor.]

To the Registrar of the Court  
and to (the employer).

## FORM 63.

## Order of Reference, Schedule I., Paragraph 18.

Rule 66 (6).

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_  
 On the application of \_\_\_\_\_ of \_\_\_\_\_  
 (a copy of which is hereto annexed),  
 I hereby appoint Mr. \_\_\_\_\_ of \_\_\_\_\_  
 one of the medical referees appointed by the Secretary of State for the  
 purposes of the Workmen's Compensation Act, 1906, to examine the said  
 (name of workman) \_\_\_\_\_, and to give his certificate as to whether the  
 incapacity of the said (name of workman) \_\_\_\_\_ resulting from the injury  
 is likely to be of a permanent nature.

A copy [or copies] of the report [or reports] of the medical practitioner  
 [or practitioners] by whom the said \_\_\_\_\_ has been examined is  
 [or are] hereto annexed. [Add, if so, Copies of the statements submitted  
 to me by the parties are also hereto annexed.]

The said \_\_\_\_\_, who is now at \_\_\_\_\_,  
 has been directed to submit himself for examination by the referee.

I am satisfied that the said \_\_\_\_\_ is in a fit condition  
 to travel for the purpose of being examined, and he has been directed to  
 attend on the referee for examination at such time and place as may be  
 fixed by the referee.

[or The said \_\_\_\_\_ does not appear to be in a fit  
 condition to travel for the purpose of being examined.]

The referee is requested to forward his certificate to the Registrar at the  
 County Court Office situate at \_\_\_\_\_  
 on or before the \_\_\_\_\_ day of \_\_\_\_\_, specifying  
 therein the nature of the incapacity of the said \_\_\_\_\_, resulting  
 from the injury, and whether such incapacity is likely to be of a permanent  
 nature.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ Judge [or Registrar].

## FORM 64.

[To be printed on thick blue foolscap.]

## Certificate of Identity.

Rules 66 (10).  
75 (11).

[TO BE CAREFULLY PRESERVED.]

NOTICE.—THIS CERTIFICATE IS NO SECURITY WHATEVER FOR A DEBT.

No. of Certificate \_\_\_\_\_

In the County Court of \_\_\_\_\_ holden at \_\_\_\_\_  
 [Heading as in Award, Memorandum, or Certificate.]

This is to certify that A.B. \_\_\_\_\_ late of (address and description),  
 is entitled to a weekly payment of \_\_\_\_\_ from (name and address of  
 employer)

as compensation payable to the said A.B. \_\_\_\_\_ in respect of personal  
 injury caused to him by accident arising out of and in the course of his  
 employment, such weekly payment to continue during the total or partial  
 incapacity of the said A.B. \_\_\_\_\_ for work:

And that the description of the said A.B. \_\_\_\_\_ and his incapacity for  
 work, as certified by the medical referee appointed in this matter, are as  
 follows:—

Age, \_\_\_\_\_  
 Height, \_\_\_\_\_  
 Hair, \_\_\_\_\_ Eyes, \_\_\_\_\_  
 Nature of incapacity, \_\_\_\_\_  
 • [Describe nature of incapacity, as in certificate of medical referee.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_ Registrar.

## FORM 65.

Rule 66 (10). *Notice to be given to Workman intending to cease to reside in the United Kingdom.*

[*Heading as in Award, Memorandum, or Certificate.*]

TAKE NOTICE, that if you desire to obtain payment of the weekly payments payable to you under the award [memorandum or certificate] hereto annexed while you are residing out of the United Kingdom, you must, at intervals of three months from the date up to which such payments have been made, submit yourself to examination by a medical practitioner in the place where you are residing, and produce to him the copy of the certificate of the medical referee and the certificate of identity hereto annexed; and you must obtain from such medical practitioner a certificate in the form hereto annexed that he has examined you, and that your incapacity resulting from the injury specified in the certificate of the medical referee continues: and such certificate must be verified by the medical practitioner by declaration in your presence before some such person as hereinafter mentioned.

You must also attend before some such person as hereinafter mentioned, and make a declaration in the form hereto annexed that you are the same person as mentioned in the copy of the certificate of the medical referee and in the certificate of identity hereto annexed, and in the certificate of the medical practitioner by whom you have been examined, producing to such person the copy and certificates above mentioned.

You must then transmit to me, at my office, situate at \_\_\_\_\_, the certificate of the medical practitioner by whom you have been examined, and your declaration, together with a request for transmission to you of the amount of the weekly payments due to you, specifying the place where and the manner in which the amount is to be transmitted, according to the form hereto annexed, which request must be signed in your own handwriting.

In the event of your death while residing out of the United Kingdom, your representatives must, in order to obtain payment of the arrears due to you, transmit to me at my office, situate at \_\_\_\_\_, a certificate of your death, and documents showing that they are entitled to such arrears, verified by declaration before a person having authority to administer an oath, with a request for transmission to them of the amount of such arrears, specifying the place where and the manner in which such amount is to be transmitted to them.

The expression "your representatives" means—

(a) if you leave a will, the executors of such will; or

(b) if you die intestate, the persons who are according to law entitled to your personal estate; and payment of the arrears may be made to such persons without the production of letters of administration.

The persons before whom a certificate may be verified or a declaration made are:—

1. Any person having authority to administer an oath in the place in which you reside.

2. Any British ambassador, envoy, minister, chargé d'affaires, or secretary of embassy or legation, exercising his functions in any foreign place in which you reside, or any British consul-general, consul, vice-consul, acting-consul, pro-consul, or consular agent exercising his functions in any foreign place in which you reside.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Registrar.

To A.B.  
of (address and description).

## FORM 66.

Rule 66 (10.  
11).

*Form of Medical Certificate to be obtained by Workman residing out of the United Kingdom.*

[*Heading as in Award, Memorandum, or Certificate.*]

I (name, address, and medical qualification of medical practitioner) hereby certify that I have this day examined A.B. \_\_\_\_\_ of \_\_\_\_\_

whom I conscientiously believe to be the same person as A.B.  
 of , described in the copy certificate of the medical referee in the  
 above-mentioned matter, dated the day of , and in the certificate  
 of identity dated the day of produced to me by the said  
 A.B. ; and that in my opinion the incapacity of the said A.B.  
 resulting from the injury described in the said certificate of  
 the medical referee still continues.

Dated this day of

(Signature)

Declared at this day of , in the  
 presence of the said A.B. , the copy of the certificate of  
 the medical referee and the certificate of identity above-mentioned being at  
 the same time produced,

Before me—

[Signature and description of person before  
 whom the declaration is made.]

#### FORM 67.

*Declaration of Identity by Workman residing out of the United Kingdom.* Rule 66 (10,  
 12).

[Heading as in Award, Memorandum, or Certificate.]

I, A.B. of hereby declare that I am the same person  
 as A.B. of described in the copy of the certificate of the  
 medical referee in the above-mentioned matter, dated the day of ,  
 now produced by me, and in the certificate of identity, dated the day  
 of , now produced by me, and the same person as A.B.  
 of described in the certificate of declared by the  
 said in my presence on the day of , and now  
 produced by me.

(Signed)

A.B.

Declared at this day of , the certificates above  
 mentioned being at the same time produced,

Before me—

[Signature and description of person before  
 whom the declaration is made.]

#### FORM 68.

*Request for Transmission of Amount of Weekly Payments by Workman* Rule 66 (13).  
*residing out of United Kingdom.*

[Heading as in Award, Memorandum, or Certificate.]

Sir, I herewith enclose medical certificate and affidavit of identity, and  
 request that the amount of the weekly payments due to me in the above-  
 mentioned matter may be transmitted to me at

(give full address)

(state how transmission to be made, as)—

by Post Office Order payable at

(name of Post Office)

or by bankers' draft on the

(name and address of Bank).

I am, Sir,

Your obedient Servant,

A.B.

[To be signed by the workman in his own handwriting.]

To the Registrar  
 of the County Court of  
 holden at

[add address of Registrar's Office.]

## FORM 69.

Rules 66 (15),  
75 (15).*Notice by Registrar to Employer of Receipt of Medical Certificate and Declaration of Identity.*

[Heading as in Award, Memorandum, or Certificate.]

TAKE NOTICE, that I have received proof of identity and of continuance of incapacity in the above-mentioned matter.

And I have to request you to transmit the sum of \_\_\_\_\_, being the amount of the weekly payments payable to A.B. \_\_\_\_\_ under the above-mentioned award [memorandum or certificate] from (the date to which they were last paid \_\_\_\_\_) to \_\_\_\_\_ (13 weeks from that date) to me, to be by me remitted to the said A.B.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Registrar.

To (name and address of employer).

## FORM 70.

Rules 73, 74.

*Certificate of Registrar where lump Sum payable in Redemption of weekly Payments, to French Citizen or Sum payable to Dependants of French Citizen is to be transmitted to France. Rules 73, 74.*

In the matter of the Workmen's Compensation Act, 1906, and the Workmen's Compensation (Anglo-French Convention) Act, 1909.

No. of Matter \_\_\_\_\_

In the matter of an arbitration between A.B. of \_\_\_\_\_, Applicant,  
and \_\_\_\_\_  
C.D. of \_\_\_\_\_, Respondents.

I hereby certify—

1. That on the \_\_\_\_\_ day of \_\_\_\_\_ an award was made by the Judge of this Court in the above-mentioned matter, whereby the above-mentioned C.D. \_\_\_\_\_ were ordered to pay to the above-mentioned A.B. \_\_\_\_\_, a French citizen, the weekly sum of \_\_\_\_\_ as compensation for personal injury caused to the said A.B. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ by accident arising out of and in the course of his employment as a workman employed by the said C.D.

2. And that on the \_\_\_\_\_ day of \_\_\_\_\_ a further award was made by the Judge of this Court in the above-mentioned matter, whereby the above-mentioned C.D. \_\_\_\_\_ were ordered to pay to the said A.B. \_\_\_\_\_ the lump sum of £ \_\_\_\_\_ in redemption of the said weekly payment:

3. And that the said A.B. \_\_\_\_\_ has signified to me his intention of returning to reside in France.

[Or, in case of deceased workman,

I hereby certify—

1. That on the \_\_\_\_\_ day of \_\_\_\_\_ an award was made by the Judge of this Court in the above-mentioned matter, whereby the above-mentioned C.D. \_\_\_\_\_ were ordered to pay to [here insert names of dependants, as appearing in the award]

\_\_\_\_\_ the dependants of A.B. \_\_\_\_\_, late of \_\_\_\_\_, deceased, a French citizen, the sum of £ \_\_\_\_\_ as compensation for the injury resulting to such dependants from the death of the said A.B. \_\_\_\_\_ which took place on the \_\_\_\_\_ day of \_\_\_\_\_ from injury caused to the said A.B. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ by accident arising out of and in the course of his employment as a workman employed by the said C.D.

2. And that the dependants of the said A.B. \_\_\_\_\_ have signified to me their intention of returning to reside in France [or resided in France at the time of the death of the said A.B. \_\_\_\_\_].]



I do therefore, pursuant to the Workmen's Compensation (Anglo-French) Convention Act, 1909, and the Order in Council made thereunder, herewith pay over to the Caisse Nationale des Retraites pour la Vieillesse the sum of £                      sterling, being the total sum due to the said A.B. [or to the dependants of the said A.B. ] under the said award, to be applied in accordance with the said Convention.

Dated this                      day of

Registrar.

To the Controller

Caisse Nationale Francaise des Retraites pour la Vieillesse,  
Paris, France.

#### FORM 71.

*Application by Workman in Receipt of weekly Payment, who is a French Citizen and intends to return to reside in France, for Reference to Medical Referee under Rule 75 (4).* Rule 75 (4).

In the County Court of                      holden at

In the matter of the Workmen's Compensation Act, 1906,  
and

In the matter of an award recorded in the above-mentioned Court as to the weekly payment payable to A.B.                      of                      by C.D. & Co., Limited, of

TAKE NOTICE, that A.B.                      of                      , a French Citizen, to whom under an award in the above-mentioned matter recorded in this Court on the                      day of                      a weekly payment of                      is payable by the above-mentioned C.D. & Co., Limited,                      as compensation for personal injury caused to the said A.B.                      by accident arising out of and in the course of his employment, intends to return to reside in France;

And that the said A.B.                      intends to apply to the registrar at                      on                      the                      day of                      , at the hour of                      in the                      noon, for a certificate of a medical referee as to the nature of the incapacity of the said A.B.                      resulting from the injury.

Dated this                      day of

(Signed)

Applicant

[Or,

Applicant's Solicitor.]

To the Registrar of the Court  
and to [the employer].

#### FORM 72.

*Order of Reference, Rule 75 (7).*

Rule 75 (7).

In the County Court of                      holden at

[Heading as in Application, Form 71.]

On the application of                      of                      (a copy of which is hereto annexed), I hereby appoint Mr.                      of                      , one of the medical referees appointed by the Secretary of State for the purposes of the Workmen's Compensation Act, 1906, to examine the said [name of workman] and to give his certificate as to the nature of the incapacity of the said [name of workman]                      resulting from the injury.

The nature of the injury in respect of which the award was made, so far as it appears on the records of the Court, was as follows [state it]

A copy [or copies] of the report [or reports] of the medical practitioner [or practitioners] by whom the said                      has been examined is [or are] hereto annexed. [Add, if so, Copies of the statements submitted to me by the parties are also hereto annexed.]

The said , who is now at , has been directed to submit himself for examination by the referee.

I am satisfied that the said is in a fit condition to travel for the purpose of being examined, and he has been directed to attend on the referee for examination at such time and place as may be fixed by the referee.

[or The said does not appear to be in a fit condition to travel for the purpose of being examined.]

The referee is requested to forward his certificate to the Registrar at the County Court office situate at on or before the day of , specifying fully therein the nature of the incapacity (if any) of the said resulting from the injury.

Dated this day of

Judge [or Registrar].

#### FORM 73.

Rule 75 (10). *Application by French Citizen intending to return to reside in France to fix Intervals at which Certificates of Continuance of Incapacity are to be furnished by him. Rule 75 (10).*

[Heading as in Form 71.]

TAKE NOTICE, that I intend to apply to the registrar at on the day of , at the hour of in the noon, for an order fixing the intervals at which certificates of the continuance of the incapacity specified in the certificate of the medical referee given in this matter are to be furnished by me on my returning to reside in France.

Dated this day of

(Signed)

Applicant.

To the Registrar of the Court  
and to (the employer).

#### FORM 74.

Rule 75 (10). *Order as to Intervals at which Certificates of Continuance of Incapacity are to be furnished by French Citizen residing in France. Rule 75 (10).*

[Heading as in Form 71.]

On the application of I order that certificates of the continuance of the incapacity specified in the certificate of the medical referee given in this matter are to be furnished by the said , who intends to return to reside in France, at intervals of months, the first of such certificates to be furnished on the day of

Dated this day of

19

Registrar.

To [the applicant and  
the employer].

#### FORM 75.

Rule 75 (11). *Notice to be given to Workman who is a French Citizen and intends to return to reside in France. Rule 75 (11).*

[Heading as in Award.]

TAKE NOTICE, that if you desire to have the weekly payments payable to you under the award hereto annexed remitted to you while you are residing in France, you must at intervals of three months from the date up to which such payments have been made produce to the Mayor of the Commune in which you reside the certificate of identity hereto annexed, and obtain from

him a certificate that you were alive on the day when the certificate of identity was produced. You must also at intervals of\* months from the date up to which such payments have been made obtain from a medical practitioner employed in an official capacity in the Department in which you reside a certificate that he has examined you, and that your incapacity resulting from the injury, as specified in the certificate of the medical referee hereto annexed, still continues.

\* As fixed by the Registrar.

You must then forward the certificate of the Mayor, and, where a certificate of a medical practitioner is required, such certificate (which certificate or certificates must be authenticated by a *visé* of the Prefecture of the Department attesting the official status of the Mayor and medical practitioner respectively), with a request for payment of the weekly payments due to you, to the French consular authority for the district in which the Court is situated, to be by him transmitted to me.

In the event of your death while in the receipt of weekly payments, your representatives must, in order to obtain payment of the arrears due to you, forward a certificate of your death and documents showing that they are entitled to such arrears, with a request for payment of such arrears, to the consular authority, to be by him transmitted to me.

Dated this                      day of

Registrar.

To A.B.

[Address and description.]

---

FORM 76.

*Notice of Application for Determination of Amount of Costs under  
Schedule II., Paragraph 14, and Rule 80.*

Rule 80 (5).

[Not to be printed, but to be used as a Precedent.]

In the County Court of                      holden at

[Heading as in Award or Memorandum.]

TAKE NOTICE, that I intend to apply to the judge at  
on                      the                      day                      at the hour of  
in the                      noon, to determine the amount of costs to be paid to  
me as solicitor [or agent] for you A.B.                      in the above-  
mentioned matter;  
and for an order declaring that I am entitled to a lien for such amount on  
or to deduct such amount from the sum awarded as compensation to you  
the said A.B.                      in the above-mentioned matter,  
and for consequential directions.

Dated this                      day of

Applicant.

To the Registrar of the Court,  
and to  
A.B.  
of

---

FORM 77.

*Execution on Award or Memorandum or Certificate.*

Rule 82.

In the County Court of                      holden at

[Heading as in Award, Memorandum, or Certificate.]

Whereas on the                      day of  
an award was made in the above-mentioned matter by the judge [or by  
Mr.                      , an arbitrator appointed  
by the judge] whereby it was ordered [state operative parts of award]:

[or Whereas on the \_\_\_\_\_ day of \_\_\_\_\_  
a memorandum was recorded in this Court of an agreement [or a decision  
or an award] come to [or given or made] in the above-mentioned matter,  
whereby it was agreed [or ordered] [state operative parts of agreement,  
decision, or award]:

[or Whereas on the \_\_\_\_\_ day of \_\_\_\_\_ a memorandum was  
recorded in this Court of a certificate given by the County Court of  
\_\_\_\_\_ holden at \_\_\_\_\_  
to the effect that [state operative parts of certificate]:

And whereas default has been made in payment of the sum of £ \_\_\_\_\_  
payable by the said \_\_\_\_\_ into court  
[or to the said A.B. \_\_\_\_\_] according to the said  
award [or memorandum or certificate];

These are therefore to require and order you forthwith to make and levy  
by distress and sale of the goods and chattels of [name the  
party against whose goods execution is issued] wheresoever they may be  
found within the district of this Court (except the wearing apparel and  
bedding of him or his family, and the tools and implements of his trade, if  
any, to the value of five pounds), the sum stated at the foot of this warrant,  
being the amount due under the said award [or memorandum or certificate],  
together with the costs of this execution; and also to seize and take any  
money or bank notes (whether of the Bank of England or of any other bank),  
and any cheques, bills of exchange, promissory notes, bonds, specialties, or  
securities for money of the said \_\_\_\_\_ which may there be found, or  
such part or so much thereof as may be sufficient to satisfy this execution,  
and the costs of making and executing the same, and to pay what you shall  
have so levied to the Registrar of this Court, and to make return of what  
you have done under this warrant immediately upon the execution thereof.

Given under the seal of the Court this \_\_\_\_\_ day of \_\_\_\_\_ 19 .

By the Court, \_\_\_\_\_ Registrar.

To the High Bailiff of the said Court,  
and others the Bailiffs thereof.

	£	s.	d.
Amount in payment whereof default has been made ...			
Poundage for issuing this warrant ... ..			
Total amount to be levied [with fees for execution of warrant, as indorsed hereon.]			

NOTICE.—The goods and chattels are not to be sold until after the end of  
five days next following the day on which they were seized, unless they  
be of a perishable nature, or at the request of the said

Application was made to the Registrar for this warrant at \_\_\_\_\_ minutes  
past the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon of the \_\_\_\_\_  
day of \_\_\_\_\_ 19 .

SEE BACK.

[To be indorsed on every warrant of execution.]

51 & 52 Vict.  
c. 43, s. 155.

FEES FOR THE EXECUTION OF THIS WARRANT.

The fees for keeping possession of the goods seized (including expenses of removal, storage of goods, and all other expenses) is SIXPENCE IN THE POUND PER DAY NOT EXCEEDING SEVEN DAYS ON THE VALUE OF SUCH GOODS, to be fixed by appraisement in case of dispute, so that the total fee does not exceed 10s. per day although the value may exceed 20l., and, in addition, for feeding animals, the actual cost thereof. Order XXV.,  
Rule 17.

If the debtor pays the amount to be levied, as stated on the other side, within half an hour of the entry of the bailiff, he will not be required to pay to him any further sum.

If possession is kept after the seventh day at the written request of both parties, the fees and cost of keeping possession as above may be allowed for a reasonable further time in respect of such possession.

If the goods are removed, the debtor will have to pay the appraisement fee as undermentioned.

If the goods are sold, the following fees are chargeable for the appraisement and sale, and no others:—

For the appraisement, SIXPENCE IN THE POUND ON the value of the goods appraised, over and above the stamp duty.

For the sale, including advertisements, catalogues, sale and commission, and delivery of the goods, ONE SHILLING IN THE POUND ON THE NET PRODUCE OF THE SALE.

For advertising and giving publicity to any sale by auction, pursuant to section 145 of the Bankruptcy Act, 1883, in addition to the last-mentioned fee, the sum actually and necessarily paid.

Where no sale takes place by reason of the execution between withdrawn, satisfied, or stopped, there may be allowed all charges actually and necessarily incurred for inventory, appraisement, cataloguing, lotting, and preparing for sale, not exceeding ONE SHILLING IN THE POUND on the value of the goods seized, if such value does not exceed ten pounds, and EIGHTPENCE IN THE POUND on any excess above ten pounds, the value to be fixed by appraisement in case of dispute, and in addition any sum actually and necessarily paid for advertising pursuant to section 145 of the Bankruptcy Act, 1883.

If the goods are removed, the bailiff is required to give the debtor a sufficient inventory of the goods so removed, and to give him notice of the time when and the place where such goods will be sold, at least twenty-four hours before the time fixed for the sale.

If the goods are sold, the bailiff is required to furnish the debtor, on request, with a detailed account in writing of the sale, and of the application of the proceeds thereof.

[This form to be adapted to the circumstances of the case where execution is ordered to issue under Rule 81, paragraph (c), for costs.]

## FORM 78.

Rule 83 (3).

*Judgment Summons on Award, Memorandum, or Certificate.*

In the County Court of

holden at

[*Heading as in Award, Memorandum, or Certificate.*]

Whereas on the \_\_\_\_\_ day of \_\_\_\_\_  
 an award was made in the above-mentioned matter by the judge [or by  
 Mr. \_\_\_\_\_, an arbitrator appointed by the judge],  
 whereby it was ordered [*state operative parts of award*]:

[or Whereas on the \_\_\_\_\_ day of \_\_\_\_\_  
 a memorandum was recorded in this Court of an agreement [or a decision  
 or an award] come to [or given or made] in the above-mentioned matter,  
 whereby it was agreed [or ordered] [*state operative parts of agreement,  
 decision, or award*]:

[or Whereas on the \_\_\_\_\_ day of \_\_\_\_\_  
 a memorandum was recorded in this Court of a certificate given by the  
 County Court of \_\_\_\_\_ holden at \_\_\_\_\_  
 to the effect that [*state operative parts of certificate*]:

And whereas default has been made in payment of the sum of £ \_\_\_\_\_  
 payable by you the above-named \_\_\_\_\_ into court [or to  
 the said A.B. \_\_\_\_\_] according to the said award [or memorandum  
 or certificate]:

You the said \_\_\_\_\_ are therefore  
 hereby summoned to appear personally in this Court at [*place where court  
 holden*] \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_,  
 at the hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, to be examined on oath  
 by the Court touching the means you have or have had since the date of  
 the award [or memorandum or certificate] to pay the said sum, in payment  
 of which you have made default; and also to show cause why you should  
 not be committed to prison for such default, or why a receiving order  
 should not be made against you pursuant to sub-section 5 of section 103 of  
 the Bankruptcy Act, 1883.

Dated this

day of

19 .

Registrar.

To  
whom the summons is issued].

[name and address of the party against

	£	s.	d.
Amount in payment of which default has been made ...			
Costs of this summons ... ..			
Total sum due ... ..			

**NOTE.**—This form to be adapted to the circumstances of the case where a summons is issued under the County Court Rules, Order XXV., Rule 27, against a person alleged to be a partner in or sole member of a firm, or to be carrying on business in any name other than his own; see Form 184 in the Appendix to the County Court Rules. If an order of commitment is made it should be according to Form 189 or Form 191 in the said Appendix, such form being adapted to the case of default in payment of an amount due under an award, memorandum, or certificate.

### FORM 79.

Register.

The Workmen's Compensation Act, 1906.

Rule 97.

Register.

No. of Matter.	Title.	Date of Proceedings.	Nature.
1	In the matter of an arbitration between A.B., of, &c., Applicant, and C.D. & Co., Limited, of, &c., Respondents.	July 11, 1913	Request for arbitration filed, and copy sent to judge.
		July 20, 1913	Appointment of Mr. as arbitrator.
		July 24, 1913	Copy request sent to arbitrator:
		July 29, 1913	Day for arbitration fixed.
		July 29, 1913	Notice of day fixed sent to applicant, and notice with copy request sent to respondents by registered post.
		Aug. 5, 1913	Respondent's answer filed; copies sent to arbitrator and applicant.
		Aug. 19, 1913	Five subpoenas issued on application of applicant's solicitor.
		Aug. 23, 1913	Arbitration held; Mr. appointed as medical referee to report; further hearing adjourned.
		Sept. 5, 1913	Report of medical referee received and forwarded to arbitrator; notice given to the parties.
		Oct. 16, 1913	Further hearing. Award made as follows (enter minute of award).
		Oct. 23, 1913	Costs of applicant taxed at £
		Nov. 5, 1913	£ for costs paid into Court by respondents.
		Nov. 11, 1913	£ for costs paid to applicant's solicitor.

Register—*continued.*

No. of Matter.	Total.	Date of Proceedings.	Nature.
2	In the matter of an agreement between A.B., of and E.F. & Co., Limited, of, &c.	Oct. 7, 1913	Memorandum of agreement as to compensation, signed by A.B., left to be recorded.
		Oct. 8, 1913	Notice and copy memorandum sent by post to E.F. & Co., Limited.
		Oct. 10, 1913	Notice received from E.F. & Co., Limited, disputing memorandum.
		Oct. 10, 1913	Notice sent to A.B. that memorandum is disputed, and will not be recorded without consent in writing of E.F. & Co., Limited, or order of Judge.
		Oct. 15, 1913	Application on behalf of A.B. that memorandum be recorded.
		Oct. 22, 1913	Application heard, and order made that memorandum be recorded with alterations.
		Oct. 24, 1913	Memorandum recorded as follows [set out memorandum].
		Oct. 31, 1913	Costs of A.B. taxed and allowed at £
		Nov. 18, 1913	Execution issued for costs.
			&c.,                      &c.,                      &c.

NOTE.—*Similar entries to be made as to all matters required to be recorded.*

We, William L. Selfe, William Cecil Smyly, Robert Woodfall, Thomas C. Granger, and H. Tindal Atkinson, being the five judges of the County Courts appointed for the making of Rules under section one hundred and sixty-four of the County Courts Act, 1888, having made the foregoing Rules of Court, pursuant to paragraph twelve of the Second Schedule to the Workmen's Compensation Act, 1906, do hereby certify the same under our hands, and submit them to the Lord Chancellor accordingly.

*Wm. L. Selfe.*  
*William Cecil Smyly.*  
*R. Woodfall.*  
*T. C. Granger.*  
*H. Tindal Atkinson.*

I allow these Rules,

*Haldane, C.*

The 6th of May, 1913.





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